# How We Are Governed

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Chas. S. May

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# HOW WE ARE GOVERNED



IN

# STATE AND NATION

By

CHARLES S. MAY

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# INTRODUCTORY NOTE.

EVERY American citizen should know something about the institutions of his country and the laws by which he is governed. This work, which first appeared as a series of articles in the Kalamazoo *Telegraph*, is intended to give, in a comparatively brief compass, some aid to the acquisition of such knowledge. Its author has been induced to put these articles in book form by the advice of many friends, and from the marked degree of public favor which was accorded them at the time of their publication.

In recasting them for this purpose it has been thought best to leave their form and substance unchanged, the articles simply appearing as chapters; the popular newspaper style in which they were written being more simple and direct, and thus better calculated to interest the reader. It should be understood, also, that it is not the purpose of the work to give a dry statement of facts, or collection of laws, but rather to put life and motion into our republican system, and show the machinery of the State and General Governments in action, working together in their different orbits for the good of the people.

C. S. M.

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# HOW WE ARE GOVERNED.

## CHAPTER I.

THE NECESSITY FOR GOVERNMENTS — LEADING TYPES OR FORMS — THE ORIGIN OF OUR NATIONAL GOVERNMENT.

IN this work I shall reverse the usual order and begin at the top, describing first the National government, then working down through the State, the county, the township, and last to the city. It is a great field, but I must treat it with brevity and simplicity. I shall endeavor to evade all prolixity and to treat the subject clearly and practically, and I hope my readers will follow me with interest and profit. Especially do I desire that young men and young women should read these chapters to learn something of the kind of government that they are to live under and maintain by good citizenship in their after lives.

### LEADING FORMS OF GOVERNMENT.

But first a preliminary word about governments in general. The two leading forms of government in the world to-day are the monarchical and the republican. Besides these, in history we find some others, like the aristocratic and purely democratic. The republic of Venice, which flourished in the Middle Ages, was a notable example of the first of these forms, being a government by a class, a privileged order, which is the

meaning of an aristocracy. The old Athenian democracy, a government by the people at first hand, was the best specimen of the other. Monarchies, as everybody knows, are governments ruled by a king, a queen, or an emperor. A very important thing in connection with them is that in modern times they are divided into absolute and limited monarchies. An absolute monarchy, of the old-fashioned kind, is where the monarch rules according to his own sweet will, without let or hindrance. A limited monarchy, on the other hand, is where the power of the sovereign is regulated and limited by some organic law, or constitution, and where the people have some part in the government through a parliament, or legislative assembly. England is the most notable instance of a limited monarchy, the people there really having all power in their hands the same as we have here. All the other leading nations of Europe, except France, which is a republic, and Russia and Turkey, belong to this form of government. Turning now to the other side of the picture we shall find a very marked distinction between a democracy and a republic, the first being a government by the whole people in their original capacity, while a republic is a representative democracy, the government being in the hands of representatives or agents, chosen by the whole people. In these different forms it will be seen that aristocracy, the government by the few, and democracy, the government by the many, stand over against each other, occupying each end of the line. Despotism — the government by a single man, a single will — is not a separate form of government, but a perversion of some other form. The aristocratic, also, — the government by a few, or a class — frequently crops

out as a corruption of other forms. It is a very striking and significant fact that the world is now geographically and squarely divided between monarchy and republicanism. The old forms still cling to the East; the new have risen in the West. There is not a king, or queen, or emperor now left in all the great Western Hemisphere which Columbus discovered, while monarchy is still the fashion in the Old World. But the signs of coming change are many, and to-day there is not an absolute monarch in all Europe except the youthful and effeminate czar of Russia, and the cruel and degenerate sultan of Turkey.

### ORIGIN OF THE FEDERAL GOVERNMENT.

Our own national government is undoubtedly the best and most perfect model of republicanism which the world has ever seen, containing important features and safeguards hitherto unknown, and which I shall describe further along in these chapters. The circumstances were propitious for the production of this masterpiece of human government. The time, the soil, the people, and the occasion,— all these were fit. The colonies were the offshoot of England, and their inhabitants were unmixed Englishmen. They were well acquainted with Anglo-Saxon law and liberty. They had a good parental example, and many notable lessons had already been taught them. Their early necessities and the struggles of Indian warfare had frequently brought them together. In the matter of local government they had had experience. Their isolation and distance from the mother country were such that they had been left to themselves and to their colonial assemblies. When danger threatened, they had fre-

quently banded together. There had been a "New England Confederacy" in 1643, an "Albany Congress" in 1754, a "Stamp Act Congress" in 1765, and finally the Continental Congress of 1774. It was this last body which was the governing power during the Revolution.

Some of the parallels of history seem very strange. This old Continental Congress, which was our only government during the Revolution, and did such a mighty work, finally wore itself out, fell into contempt, and after the war was practically dispersed by mobs of discontented soldiery, and turned into a flitting and finally dying shadow of its former self. So that great historic body, the "Long Parliament" in England, which fought out that memorable struggle against the tyranny of the Stuarts, and sent a king to the block, was finally dispersed by the soldiers of Cromwell. Again in France, a little over a hundred years after, the legislative body which had gone through the tremendous scenes of the French Revolution, and sent, with its hosts of victims, another king to the scaffold, finally lost its power, and was scattered by the gendarmes of Napoleon. Happily for us, when our day of weakness and threatened anarchy came, it was not a Cromwell,— best of tyrants though he was,— nor a Napoleon, with his world-aspiring ambition, that stepped in to take up the fallen scepter; but a Washington, noblest and greatest of men, who rebuked the unpaid and suffering army that would have placed the crown upon his head, and counseling his countrymen to patience and order, inaugurated the steps which led to the adoption of that great charter of constitutional liberty which is now the corner stone of the mightiest and the grandest republic that ever lived.

# CHAPTER II.

## THE FEDERAL GOVERNMENT.

DIFFERENCE BETWEEN OUR GOVERNMENT AND ENGLAND — THE FEDERAL CONSTITUTION IN OUTLINE — A NEW THING IN GOVERNMENT — THREE GREAT DEPARTMENTS AND THEIR FUNCTIONS.

I BEGIN at the top, with the federal government, because for us it is the more natural way. It follows the historical order of events. All the States of the Union, outside the original thirteen, are the immediate outgrowth, and most of them copies, of the general government. At the outset a very marked difference is to be noted between our system of government and that of England, the most enlightened and advanced monarchy in the world. The English system is a government by parliament, and almost entirely by the House of Commons, the queen, the royal family, and the nobility being little more than useless though expensive appendages, left over from less enlightened times. The people elect their House of Commons by universal suffrage, and the government is as free as ours. But it is a government by Parliament, without restraint and without bounds. The Parliament of to-day could wipe out by one sweeping enactment every great bulwark of English liberty clear back to Magna Charta itself. In this country the law-making power is not thus supreme, for there is another great power

behind it, which has created it, declared its function, and set its bounds.

### THE CONSTITUTION OF THE UNITED STATES.

This great power is the Constitution of the United States. It is a solemn written instrument executed at Philadelphia on the 17th day of September, 1787, by the delegates from the thirteen original States, the late colonies of Great Britain, who had fought out the Revolution, and established the independence of the country. George Washington presided over this historic convention, and Benjamin Franklin, Alexander Hamilton, James Madison, and John Jay were active participants in its deliberations. The Constitution is a celebrated document, and one of the great landmarks of history,— called by us, with reverent affection, "our federal compact," "our great charter," "the palladium of our liberties." We are the first nation in the world to begin with a written constitution.

### THE FRAMEWORK OF OUR GOVERNMENT — THE THREE GREAT DEPARTMENTS.

This great document begins with a noble preamble, which can not be too often quoted or long remembered: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." After stating in such dignified and comprehensive terms the great, far-reaching objects in view, the Constitution goes on to lay out the broad framework of a government, in three great depart-

ments, or jurisdictions,— the legislative, the judicial, and the executive.

THE LEGISLATIVE, OR LAW-MAKING POWER.

Plainly, the fundamental and most important of these is the legislative, the law-making power. If this were left out, there would be no need of the others. This primal department was composed of a House of Representatives and a Senate, with a provision for presidential sanction, or veto. The House of Representatives was to be the popular body, its members to be citizens, twenty-five years of age, or upward, elected by districts for a term of two years, under an apportionment to the States according to population. As the immediate representatives of the people, the House was charged with the sole function of raising the revenues and with the power of impeachment. The Senate, called the upper house of Congress, was made to represent the States, its members, citizens of thirty years of age, or upward, being elected by the State Legislatures for terms of six years, each State having two members of the body, without regard to population; Delaware and Rhode Island, or the smallest of the new States of the West, each having the same number of senators as New York or Pennsylvania. The House elects its own speaker, but the Senate was to be presided over by the vice-president of the United States. The term "speaker" came from the fact that way back in English history the presiding officer of the House of Commons was the man who "spoke" to the king for his fellows. It will be seen that the Senate, as a body representing the States, is a little removed from the people, and some

of its functions partake somewhat of the powers of the judicial and executive departments; as, for instance, its right to be triers, or judges, in trials for impeachment, and its rights also in the ratification of treaties, and in the confirmation of executive appointments. As I have already intimated, the president is a part of the law-making power in the necessity for his signature to bills passed by the House and Senate, and by his right of veto of such bills, which are thereby killed unless passed over his objection by a two-thirds majority.

THE JUDICIAL DEPARTMENT, OR LAW-INTERPRETING POWER.

In no one thing did the framers of the Constitution show more wisdom or make a wider departure from other systems of government than in the creation of an independent judiciary. By making the Supreme Court of the United States the sole interpreter of the Constitution and the laws under it, without appeal from its decisions, they constituted that august tribunal the final arbiter of all questions or disputes that may arise in the federal government, or between that government and the States. The national judiciary is composed of this high court, with its chief justice and its eight associate justices, all appointed by the president, to hold their offices for life, or during good behavior, with salaries of $10,000 apiece for the associate justice, and $10,500 for the chief justice. Under these are the judges of the circuit courts, with circuits each comprising a number of States, and still lower down, the district judges, the districts embracing the whole or a part of a State, all according to the population. These circuit and district judges are also appointed by the

president, on a like tenure, for life or during good behavior. The salaries of the former are $6,000, of the latter $5,000. The jurisdiction of these courts covers, first, all questions arising out of the Constitution, laws, or treaties of the United States; and second, all cases affecting the ministers of foreign powers, or questions between States, or suits between citizens of different States.

### THE EXECUTIVE, OR LAW-EXECUTING POWER.

The executive department was placed in the hands of a single person, the president of the United States. The manner of the election of this officer is pretty well known to the people. He must be a citizen, born in the United States, thirty-five years of age, or upward, and is chosen for a term of four years, by a body called the electoral college, composed of members chosen by the people at the general November election of the presidential year. This body was designed by the framers of the Constitution to exercise the power of original selection of the president and vice-president (who is selected in the same manner as the president, and with like qualifications,, but with the growth of parties it was soon discovered that this could not be, and so the electors have been almost from the very beginning mere automatons to register the selections of the victorious party at the polls. There is no written law or provision in the Constitution to prevent the re-election of a president any number of times. But the refusal of Washington and Jefferson to accept third terms, and the defeat of Grant for a third nomination in 1880, have very firmly established an unwritten law which is not likely ever to be violated.

The president is at the head of the executive department; he is commander-in-chief of the army and the navy, and of the militia of the several States when engaged in time of war; he grants reprieves and pardons for offenses against the United States; he exercises the veto power over legislation; he makes treaties with foreign powers, subject to confirmation by the Senate; he appoints all the ministers to foreign countries, the heads of the executive departments (the cabinet), and judges of the Supreme Court, subject to confirmation by the Senate; and beyond these he appoints and commissions the great army of subordinate officers of the government. All this constitutes a vast power, and far greater than that exercised by the head of any limited monarchy in the world. The president is required to make report to Congress from time to time on the state of the country, with such suggestions of policy or measures as may seem fit to him. There is no requirement as to the form of this, and the first two presidents, Washington and John Adams, did it by appearing before Congress in person, and making oral addresses after the fashion of the royal speech to Parliament, but Jefferson, their successor, who was a poor speaker but a great writer, set the fashion, which has since been followed, of sending written messages to Congress.

But the first and supreme duty of the president is to see that the authority, the honor and majesty of the government, are maintained. There is nowhere any legal requirement for an inaugural ceremony, or pageant, but the fashion is now so firmly established as to be a part of our government that the president shall take his oath of office on the eastern steps of the capitol on the 4th of March, before a vast crowd of his fel-

low citizens, and deliver to them what is called his inaugural address. The gist of his oath, as already intimated, is to defend the government and execute the laws. Fiery old Andrew Jackson, when defied by the Nullifiers, added a supplementary "by the eternal," and conscientious Abraham Lincoln, equally patriotic, but more reverent, told the same rebellious South that his oath was "registered in heaven." The president could take his oath before a justice of the peace or a notary public, in a private office without witnesses, and it would be equally binding; but the imposing inauguration ceremony, the long presidential procession from the White House to the Capitol, amid waving flags and the thunder of cannon; the chief justice in his robes of office, with the attesting Bible in his hand; the presidential speech, and the huzzaing multitude — all of these comport better with the dignity and the greatness of the occasion when the chief magistrate of a nation of 70,000,000 freemen is inducted into his high office.

I have here given only the broad outlines, the bare unfilled framework, of our general government. There is no room in a work like this for all the details and ramifications which belong to a full description or learned discussion of the subject. In my next chapter I will try to put somewhat of life and blood into this governmental skeleton, and see how it will work in practice.

## CHAPTER III.

THE BILL OF RIGHTS AND THE AMENDMENTS — THE CABINET — HOW THE REVENUES ARE RAISED — THE TARIFF — THE PASSING OF LAWS — A GOVERNMENT BY DEPARTMENTS.

IN addition to what was said in my last article, outlining the Constitution as first adopted, may properly here be mentioned the fifteen amendments since added to the original instrument. These amendments, as required by the Constitution, have each been proposed by a two-thirds majority in Congress and ratified by a like majority in the Legislatures of three fourths of the States. The first ten of these amendments constitute what is called the "Bill of Rights," being a declaration of fundamental rights, or principles of government; such as, freedom of speech and the press, religious toleration, the right of petition, the right to bear arms, trial by jury, etc. It was thought best to put these great rights in this form, and the matter was attended to by the first Congress under the new government, and the ratification by the States immediately followed. Passing over another amendment,— the twelfth, designed to simplify and make more clear the working of the electoral college,—the last three, the thirteenth, fourteenth, and fifteenth, are the ever-memorable amendments growing out of our Civil war, and giving liberty, citizenship, and suffrage to the colored race.

### THE CABINET AND ITS FUNCTIONS.

The framers of the Constitution left it for Congress, the law-making power, to fill in with the necessary details and directions the great outlines of government which they had established. Even at that early day it was seen that the executive department, placed in the hands of a single man, would need support from proper subordinates, and so one of the very first acts of the first Congress was to provide for the appointment of secretaries of state, of the treasury, of war, and an attorney-general, or law officer to the government. This was the first cabinet, and these officers were Washington's official advisers. It is a little singular that there is nowhere any legal requirement that the president shall pay any heed to their advice. There have since been added to the cabinet a secretary of the navy, a postmaster general, a secretary of the interior, and recently a secretary of agriculture. We shall see farther along what these officers have to do.

### THE FEDERAL GOVERNMENT LAUNCHED.

Thus prepared for action, with a president, vice-president, and a Congress duly elected under the forms prescribed by the Constitution, the new government commenced its career on April 30, 1789, in the city of New York, when George Washington, the military hero of the Revolution, took his great civil oath as the first president. Thus commenced the trial of the Constitution, and the experiment of republican institutions in modern times and on this side of the ocean. Our ship of state was now fairly launched. It was to sail an unruffled sea for seventy-two years, until the great storm of 1861.

### RAISING THE REVENUES.

The first and indispensable duty of every government is to provide its revenues. The nation must keep house, and must pay its expenses. These it must raise from its own resources, or borrow; and when it comes to borrowing to pay household expenses from month to month, the family is well on the way to the county house. But I beg pardon, I am not writing about politics, but about government. Naturally, therefore, the first stress was felt in the treasury department, where that wonderful genius for government, Alexander Hamilton, had been placed by his great chief, who knew him so well in the Revolution. The machinery of the new government was now put in motion by that series of measures, emanating from the brain of Hamilton, and constituting the great financial system on the principles of which the government has been run even down to our own day. It was in reference to this marvelous work of the great financier that Daniel Webster said, in that splendid burst of figurative eloquence: "He smote the rock of our national resources, and streams of revenue gushed forth; he touched the dead corpse of the public credit, and it stood upon its feet."

### THE PASSING OF LAWS.

Now we shall begin to see how the government will work in practice. To organize and establish this financial system required the action of Congress, and so the law-making power of the government was thus evoked. Let us see now how the legislative department will provide for the executive, and how laws are passed. It will be remembered that the Constitution

had provided that all bills to raise revenue should originate in the House of Representatives; and this rule that the money to carry on the government shall be voted by the popular branch of the Parliament, the Congress, or the Legislature is the rule the world over, in all constitutional governments, republican or monarchical.

Suppose now, to illustrate our subject, that we jump from the beginning of our government up to to-day, and see how a revenue bill is passed through Congress, and this will serve as an example of all other bills. This government to-day is a government by parties and by committees. In theory any member of Congress has a right to rise in the House and offer a revenue bill, or any other bill, and have it considered, and passed or rejected on its merits. But that is not the way in which business is done in Congress. The speaker of the House might not see the member or hear him, even if vociferating in plain sight, on the front row. The committee of ways and means has all power in such matters, and will mature and present a general bill, or a single measure, which the speaker will then see is rushed through the house under the party whip and by the party majority. When the bill is reported to the House by the committee of ways and means, it is generally discussed in committee of the whole,—that is, of the whole House,—reported back to the House proper, and put upon its passage. This is done by calling the roll of members, recording and declaring the vote, and if the affirmative prevails, sending the bill to the Senate for its concurrence, when, if it passes that body also, it goes to the president for his signature, the speaker and vice-president having previously signed it. If the

Senate fails to concur in the measure, a joint committee of conference is appointed, and the two houses try to reach an agreement. If they fail, the bill fails. Of course it will fail also, even when passed, if vetoed by the president, unless again considered, and passed by a two-thirds majority over his objections. The two houses of Congress make their own rules, which are a multitude, and frequently changed, but this is a brief general statement of the mode of passing a law. Now if the constitutionality of the law should be questioned, — as it was in the case of the income tax law,—it would go through the federal courts, up to the Supreme Court, where it would be sustained, or set aside, as that law was. This is an example of the independent exercise of authority by the judicial department, overruling the legislative.

### WHERE THE TARIFF COMES IN.

It is right here, in connection with this great matter of the revenues that the tariff question comes in. This is now a great country, and we must raise $500,000,000, or thereabouts, for ordinary expenses every year, besides hundreds of millions more in war taxes. A vast sum, but it must be disbursed for pensions, salaries, interest on public debt, post-office, army, navy, interior, judiciary, and all the other thousand necessary expenses of the government. And this great sum must be raised indirectly; the people will not stand direct taxation in national affairs. We might have rebellion or revolution before these hundreds of millions could be raised in that way. It is true, they will voluntarily pay three times as much for the gratification of their vicious appetites. I have noticed that the men who complain most about "the burdens of the people" for the necessary taxes to sup-

port their government, spend three or four times as much as their share of these taxes for whisky, beer, or tobacco. I have been losing sympathy for this class of men for some time back.

So all parties are now agreed that our government expenses must be raised mainly by duties on imports; that is, by a tariff. But the scuffle and the wrangle of parties have been over the question as to whether this tariff should be for protection or for revenue only. In the light of recent events it would seem that this question is immaterial. The revenues we must have anyway, and we must have tariff enough to get them. That has been conceded by both parties and by all parties. The fact seems to be that when we had a high tariff we got the revenues, and without apparently raising the prices of living. Now when we have a low tariff we fail to get the revenues, and have to borrow money for expenses, while the prices remain the same. These seem to be the facts. I have, in recent years, voted with the opponents of a high tariff; but I am no partisan, and I recognize that in all sciences one well-attested fact will overthrow any theory, however plausible. I do not think that the science of government is an exception to this logical and universal rule. If a tariff sufficient to fill the treasury and save the country from bankruptcy will also bring protection, as is claimed, then a question between a protective and a revenue tariff becomes entirely immaterial,—mere tweedledee and tweedledum.

### A GOVERNMENT BY DEPARTMENTS — HOW IT WORKS.

To sum the matter all up, ours is a government by departments, and the heads of these departments ar-

the cabinet officers. They all belong to the great executive department under the president, and are subject to his orders. They are his assistants. When they assemble for cabinet consultation with him at the White House, their reports cover, in jurisdiction, every foot of the territory of this great country, and every interest of this great government. The secretary of state, who is called first to report, as the ranking member of the cabinet, and who is often called our prime minister, though without much accuracy, is really our minister of foreign affairs, set to watch and guard our interests in all our complicated relations with the other nations of the world. The secretary of the treasury, who ranks next to him, is the great financial officer of the government, who attends to the raising and disbursement of its vast revenues and to the management of our great national debt. The secretaries of war and the navy report for their departments, which are well understood, but in times of peace somewhat tame and inconsequential. In times of war, however, they become of first importance. The secretary of the interior is at the head of the third really great department, and has a vast business on his hands to deal with public lands, Indian affairs, pensions, patents, education, the census, etc. The postmaster-general presides over the great postal service of the nation, with its vast army of postmasters, clerks, and subordinates in every city, town, and hamlet in the country, even to its remotest frontiers. The secretary of the new department of agriculture represents the great agricultural and farming interests of the country. To these officers is to be added the attorney-general, representing the department of justice, the legal

adviser of the president and the general law officer of the government.

Here, as will be seen at once, is a full survey and representation of the whole field of government, touching and covering every interest of the people. Each year the heads of these departments report to Congress or the president their condition and needs, and ask of Congress, as the legislative power, the necessary legislation and funds to secure their highest efficiency. They are all working under laws which Congress has passed, and their yearly expenses are paid from the appropriations which Congress votes. It is the business of the president to see that all these laws are executed, and these funds properly used and duly accounted for. When legal difficulties or questions arise in the working of this vast machinery it is the duty of the Supreme Court, representing the judicial power, to settle them.

So here, at last, as we pointed out in the beginning, are the three great departments of the government — the legislative, the judicial, and the executive — working hand in hand, aiding each other in protecting and carrying forward this mighty piece of human mechanism called the government of the United States. In times of peace this process, though majestic in its wide and far-reaching sweep and scope, is simple and orderly. But in times of war, this great, orderly machine of government clothes itself with the lightnings and the thunders, and becomes instinct with power on land and sea. Then some worthy successor of Hamilton and Chase may again smite the rock of our vast national resources, and patriotic streams of revenue may again gush forth to fill our empty treasury, while

some new war minister could put an army of a million men into the field, bristling with modern arms, and another secretary of the navy turn out the mighty steel-armored war ships to defend our cities and coasts. And while this was being done, another great secretary of state, from his watchtower, would say to the nations, "Hands off — stand back!" Yes, if the great emergency should ever come,— which may God forbid,— there would be seen an exhibition of defensive power such as no nation, not even excepting Rome or England, has ever presented, or the world has ever witnessed.

# CHAPTER IV.

RELATION OF THE STATE TO THE GENERAL GOVERNMENT — THE BUILDING OF A NEW NATION — POWERS AND LIMITATIONS OF THE FEDERAL GOVERNMENT — WHAT THE STATES CAN NOT DO — THE TWO SPHERES — AN ILLUSTRATION.

HAVING now shown the origin and described the constitutional framework of the federal government, and illustrated its mode of action, I shall devote this chapter, and perhaps the next, to a consideration of the relation between the general government and the States. Ours is frequently called a "dual government," and in a certain sense the designation is a true one. But it must not be understood that this involves any conflicting or divided allegiance. The relation of the States to the general government, in our system, is one which ought to be very easily understood. "E Pluribus Unum,"— from many, one,— the old Latin motto which every boy has seen on the coin, expresses it very well. The "one" is the federal government, the nation; the "many" are the States and their governments. These latter have contributed to make the national government to which we all owe allegiance, and, to use the astronomical figure, they may be said to revolve around the general government like the tributary orbs in the planetary system.

### MAKING THE NATION.

It is plain that the purpose of the framers of the Constitution was to make a Nation. They had tried the

"Articles of Confederation," a mere league, or contract, between the several colonies to stand by each other under the leadership of the Continental Congress during the Revolution; but when the Congress expired in 1786, this league was found insufficient, and the country was fast drifting into anarchy.

A central government was needed, clothed with the functions and authority of supreme direction. All this was seen by the wise and patriotic men of that day, and so the draft of the Constitution began, not in the form of a contract between the States, as did the Articles of Confederation, but with "We, the people of the United States, in order to form a more perfect union," etc. This great preamble, declaring the Constitution to be the work of the people, is the foundation rock on which our government is built.

The several States, as colonies, had grown up into separate local governments and political organisms, each with a written charter, or constitution, and with the necessary local statutes, passed by their colonial assemblies. The tyranny of the mother country, aimed first at this one, and then at another, had evoked a common sympathy between them, and driven them into a temporary combination for the general defense. So, as Webster said, they stood "shoulder to shoulder through the Revolution." But this temporary arrangement must be made a permanent one, or the chief fruit of their victory would be lost, and they be left scattered communities still, with their local laws and their separate, diverse interests. They wanted "union," they wanted "order," established justice, and they wished to "bequeath the blessings of liberty to their posterity." So they proceeded to establish a national government, a federal union.

POWERS OF THE FEDERAL GOVERNMENT.

To do this the plan was to confer upon the general government, through a written Constitution, certain great powers necessary for its high functions, reserving their local rights and governments substantially as before. That is, to make this central, federal government, and clothe it with the necessary authority, the States were willing to part with some of their powers, to yield up some of their rights of separate sovereignty, and confer these upon the new central federal authority. The rights and powers which the federal government did not need for the exercise of its functions were left in the common reservoir of the States. As the States were nearer the people, and their local authority touched them in so many ways, these reserved rights and powers covered a wide and important field. Still there were enough conferred to make a strong and efficient national government. The enumeration of these powers in the Constitution will show this. In treating of the Constitution I have already discussed the three great departments of the federal government, the legislative, the judicial, and the executive. The first and greatest step toward the creation of a national authority was in the establishment of a federal House of Representatives in connection with the Congress, thereby enabling the new government to pay and collect the taxes, to impose duties, imposts, and excises, to pay the debts, and to provide for the common welfare of the United States.

Besides this fundamental and necessary power there were a number of other essentials to national sovereignty given to Congress, such as the power to borrow

money on the credit of the United States; to regulate foreign and domestic commerce; to coin money and fix the standard of weights and measures; to establish post-offices and post-roads; to issue copyrights and patents; to define and punish felonies committed on the high seas, and offenses against the law of nations; to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water; to raise and support an army and navy; to provide for calling out the militia to suppress insurrections and repel invasions, and to command this militia while actually employed in the service of the United States. Congress was also empowered "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the government of the United States or in any department or office thereof." Out of some of these powers, such as those to coin money, borrow money, to call out the militia, and to regulate commerce, have arisen some of the sharp political questions of to-day.

### LIMITATIONS UPON THE FEDERAL GOVERNMENT.

But in this plan there were some things which the federal government could not do, and which it was expressly prohibited from doing. These things constituted limitations upon the authority of the general government, what the lawyers call "constitutional limitations." Duties might be laid upon imports, but not upon exports. So we get our tariff revenues entirely from goods brought into the country, but nothing from goods sent out to other nations; and between the States there was to be free trade. All these duties and excises were

to be uniform throughout the country. A census was to be taken every ten years, and this was to be the sole basis of representation in Congress and for any direct tax which might be laid. No money could be taken from the treasury without Congressional appropriations duly made for the purpose. The writ of habeas corpus was not to be suspended, except when in cases of rebellion or invasion the public safety might require it. No bill of attainder or ex post facto law could be passed. A bill of attainder would be in this country an act of Congress condemning a man to death, banishment, or outlawry without a chance to defend himself in the courts. It was called "attainder" because in the old days, when it was used as an engine of oppression and tyranny, it attainted, or corrupted, a man's blood in law, and cut off his heirs. An ex post facto law, the other prohibition, is a law passed after the offense, or the fact. By the Constitution no title of nobility could be granted by the United States government, and no federal officer could accept a present, an office, or a title from any foreign state without the consent of Congress; which I believe has never been given in any case of office or title. The government could not require a religious test as a qualification for any office, or trust, under the United States. "Full faith and credit" was to be given in each State to the public acts and records, and to the judicial proceedings of every other State; and a citizen of any State was entitled to "all the privileges and immunities of a citizen in any other State." It was provided that criminals might be extradited; that is, taken from one State to another, on requisition of the governor; and the slave-holding States were given the right to a fugitive slave law. This latter was a weak

spot in the plan, and afterward it made a good deal of trouble, and helped to bring on the great Civil war. The United States was to guarantee to every State a republican form of government, and to protect each State from invasion; and when the Legislature or the governor of a State should make due application, it was to lend its authority to suppress domestic insurrection. All these different things the general government was required to do, or forbidden to do, by the Constitution.

### WHAT THE STATES COULD NOT DO.

Now as a necessary part of this great plan it was plainly required that the several States should be prohibited from exercising any of the functions of the general government. This would be inconsistent with its authority, and lead to endless conflict. In the sphere of its action, and in the exercise of all the powers necessary to a separate national existence, the federal government was to be supreme. So the States were debarred from exercising many of the distinctive powers which belong to separate and independent political sovereignties, or nations. Their local governments were left untouched, but they could not make war or peace, or keep a flag, or make treaties, or levy tariff duties. They could not grant titles of nobility, coin money, issue bills of credit, make anything but gold or silver in tender for payment of debts, pass bills of attainder, or ex post facto laws, or laws impairing the obligation of contracts. So it will be seen that in this nice adjustment and balancing of our political system there are limitations upon the States as well as the general government. But there are not so many of these, comparatively, when we take into account

the great variety and extent of the powers left in the hands of the State governments, which are so much nearer the people.

THE TWO POLITICAL ORBITS.

If I may again borrow the astronomical figure, the States in their political revolutions around the central federal luminary sometimes come in close conjunction with it, and then separate widely from it. Let me illustrate this: Every four years the people of this State, as well as the other States, at their November election, vote for their governor, State officers, and members of the Legislature on the same ticket with the presidential electors and representatives in Congress, these latter officers representing the great legislative and executive departments of the federal government. This is for public convenience, but the State and the nation here seem to come very near each other. So on the other hand, the man who commits a murder in Grand Rapids, in this State, for instance, can no more be tried in the federal court in that city than in London or Paris. The post-office clerk, in the same city, who purloins a money letter is as much out of the jurisdiction of the State court which tries the murderer as if his offense had been committed in China or Japan. Here they are wide apart again.

In the next chapter I shall go over the ground of the long and bitter contest of parties and sections, touching the true relations of the States to the general government; beginning with the doctrine of "State Rights," followed by that of "Nullification," and ending in "Secession," and our great Civil war, where these political hydras were laid forever at rest.

# CHAPTER V.

THE TRIAL OF THE CONSTITUTION — THE FIRST PARTIES — HAMILTON AND JEFFERSON — STATE RIGHTS — WEBSTER AND HAYNE — NULLIFICATION — JACKSON AND CALHOUN — SECESSION AND THE CIVIL WAR.

IN my last chapter I went over the subject of the relations between the States and the general government as found in the Constitution, giving only the dry theory of the matter. I am now to show how this theory worked when put in practice, and how it brought on a collision, first between parties, and then sections, over the questions of tariff and slavery, and finally resulted in the greatest civil war of history. To my older readers this ground will be familiar,— the argument was burned into their minds by that war, — but to the younger generation it is history and not experience.

Possibly all of them may not fully understand how it was that the two sections of this great and enlightened country, in the middle of the nineteenth Christian century, should engage in the most bloody and tremendous war of modern times. It is for these younger readers, chiefly, that I write this brief history of how it all occurred.

THE FIRST PARTY DIVISION — JEFFERSON AND HAMILTON.

The point of this collision was on the question of the right of a State to judge for itself as to the con-

stitutionality or obligation of a statute passed by Congress. This question was, of course, a fundamental one, going as it did directly to the authority of the federal government. The difference began really as early as Washington's first administration, and it had its inception in the ambition and the rivalry of the two foremost statesmen in Washington's cabinet — Thomas Jefferson and Alexander Hamilton. These two men were the first secretaries, respectively, of the state and treasury departments. Hamilton, the younger of the two, being only thirty-three when called to the cabinet, was a wonderful man, with a genius for government as great as Napoleon Bonaparte's for war. His had been the master mind, the master hand, in framing the Constitution. Jefferson, fourteen years older,— another great man and the renowned author of the Declaration of Independence,— was not a member of the constitutional convention, having been abroad at the time as our first minister to France. It is likely that both these men had their eyes on the succession to the presidency.

I have no room to go into the details here, but these two rival statesmen first differed as to the policy of the new government, and then politically quarreled, and finally became personally estranged. Washington was greatly disturbed and grieved, but he stuck to Hamilton, and Jefferson left the cabinet — accusing his rival of many things, the chief one being that he was arrogating to himself and to the general government too much power and authority at the expense of the States. Jefferson had returned from France very much affected with the popular notions of the French Revolution, and he no doubt looked with considerable

jealousy upon the great influence and power which his younger rival was exercising in the new government and the strong hold which he had upon the mind of his great chief. As was natural, the followers of the two leaders took up their quarrel, and carried it into the new politics of the country, and this was the origin of our first two great political parties, the Federal and the Democratic. Hamilton was, of course, the leader of the Federal party, having Washington and the administration with him, while Jefferson headed the Democratic, which included the opposition element in the country. The charge was made that Hamilton was perverting the Constitution — which he had already made too strong — to build up a powerful federal, central government, to the overthrow and destruction of the rights of the States.

### THE STATE RIGHTS DOCTRINE.

It was very natural, of course, that the first party division in the country should have ranged itself around the fortunes of these two leaders. And it was just as natural that Jefferson's followers should idolize him and criticise and disparage his rival, and find fault with everything which he might do. It will be remembered that he was still in power, had the confidence of Washington, and was the guiding spirit of the administration. Parties out of power always criticise and oppose the conduct and measures of their opponents, who have the responsibility of government on their hands. This is the general rule, and sometimes, as in the Civil war, for instance, the fault-finding and opposition are carried almost to the point of treason itself. The same captious spirit has been seen

a good many times since the war, and has not been wholly confined to one party. Jefferson's followers needed a party shibboleth, a political war cry, and they found it in the charge that Hamilton was building up a strong central government, a tyranny in fact, and trampling upon the rights of the States. As they denounced the federal tendency to despotism, they naturally began to extol these State rights which they claimed to be endangered. The tenth amendment to the Constitution, which had just been adopted, had declared that, "The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States respectively or to the people." They planted themselves upon this article, and began to write and speak and resolve everywhere against what they claimed to be the tyranny of the federal government and for the "reserved rights of the States." This was the historic origin of what is known as the "State rights doctrine" — a political dogma destined to make a world of trouble in the country. As the parties grew and the contest went on, the doctrine, in what were called the Virginia and Kentucky resolutions of 1798, took on the bold front of asserting that the States "are not united on the principles of unlimited submission to their general government;" that the government is a "compact" between the States, "that to this compact each State acceded as a State, and as an integral party, its co-States forming, as to itself, the other party; that the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; that each party has an equal right to judge for itself as to infractions and the mode and measure of redress."

It seems very strange that so wise and good a man and patriot as Thomas Jefferson — who was the real author of these bold and half-treasonable resolutions — could have worked himself up to such a pitch of unreasoning and intemperate political opposition. But there is nothing which party spirit and personal jealousy will not do. Right before him, and his excited followers who passed such resolutions, was the sixth article of the Constitution which declared: "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." Here was the issue between these resolutions of 1798 and this plain provision of the Constitution. It seems almost incredible that it should have taken sixty years of political discussion and wrangling and finally the greatest and bloodiest war in history to settle so plain a question. But man is a strange animal, and he sometimes acts individually and collectively in a way to contradict the assumption that he is a rational being.

### THE DOCTRINE OF NULLIFICATION.

Two years after these resolutions of 1798, Jefferson was elected to the presidency, and now *his* followers were the party in power and had the responsibility for the government. As always in such cases they immediately became more moderate and conservative, and the other party now did the fault-finding. Jefferson himself was a great president and was re-elected, and he did not afterward seem to think that Hamilton's Con-

stitution was so very bad after all, for he strained even its provisions in the purchase of Louisiana, and he would have liked very well to have hung Aaron Burr for treason against it. But the animus of the State rights doctrine remained in the blood,—especially in the South,—and in Jackson's second administration, in 1831, broke out in that memorable debate in the Senate between Webster and Hayne. The tariff was then the pretense, and South Carolina proposed to judge for herself, and to pass an ordinance nullifying, that is, making of no effect, the tariff law of the United States, and forbidding the collection of the federal revenues in her ports. It was in this high debate over the doctrine of nullification that Daniel Webster made one of the mightiest parliamentary efforts in history, and earned for himself the proud title of the "defender of the Constitution." But though signally overthrown in the debate, South Carolina the next year proceeded to pass her ordinance of nullification, pronouncing the federal law "null, void, and no law, nor binding on this State, its officers or citizens," and forbidding the collection of the federal revenue under the tariff within her borders, and closing with the threat that if the general government undertook to collect this revenue, South Carolina would thereupon secede from the Union, and organize a separate government.

Behind this doctrine of nullification and this first effort to disrupt the Union was the dark figure of John C. Calhoun, a man of commanding ability and worthy to rank in senatorial eloquence with Clay and Webster, but an evil genius in the councils and statesmanship of the country. It was fortunate that the incipient treason which he had fermented was met and

crushed by the unbending will and the high patriotism of Andrew Jackson, then at the head of the federal government. He, too, was a Southern man, and a slaveholder, born in that same State of South Carolina. But he had taken a solemn oath to support the Constitution and the federal government, and when this bold attempt was made to subvert their authority, he was found equal to the crisis. In a special message to Congress he laid bare the effrontery of the claim of nullification, and then in a proclamation to the people of South Carolina — whom he called the citizens of his native State — he warned them that at the first overt act their treason would be crushed by the whole power of the government. Calhoun and his fellow conspirators knew "Old Hickory" to be as good as his word, and they were not quite ready to enter the field against the hero of New Orleans. So, seizing upon a convenient excuse, they backed out of their ordinance of separate sovereignty, and nullification slept for twenty-nine years, until it was again waked by the thunders of Sumter.

### SECESSION AND THE WAR — THE LAST CHAPTER.

The last great chapter in the history of State rights and nullification was the secession of eleven Southern States in 1861 and the inauguration of a gigantic rebellion against the government. The hotbed and center of this formidable conspiracy was again in South Carolina. This time the pretense was slavery. Mr. Lincoln had been constitutionally elected the fall before upon a platform which threatened no interference with State rights or the institution of slavery. The South knew this, but their leaders had been plotting forty years to overthrow the authority of the federal government and break up the Union. To

accomplish this they made use of the doctrine of State rights again, and pretended to believe that the election of a Republican president imperiled their standing and influence in the government and their property in their slaves. They first broke up the Democratic party, so that Mr. Lincoln might be elected, and thus give them the pretext for secession. The history is too long for me to go into here, but it should be read and pondered by every American boy, so that he may know to the bottom the causes which led to that great civil convulsion, and learn to admire the lofty and steady heroism of Lincoln and the men of that generation who rallied around him to save the best, the freest, and the noblest government which the world has ever known. In that great and bloody conflict of four years was finally settled forever the claim of a State to nullify a federal law, or secede from the Union, and when the struggle ended, slavery itself, which really had made all the trouble from the beginning, was dead — slain by the very war which it had begun.

Thus in this great trial of the Constitution was the prescient wisdom of Hamilton vindicated. His "strong government" had been found equal to the crisis. There is now no longer any talk about its being a "league" or "compact" between the States, which they have a right to annul when they see fit. Very seldom nowadays is it called even the "Union" as it used to be. It is the Nation now, and the government. The noble preamble of 1787 has been fulfilled. The people of the United States have rebaptized and consummated their government in a second and greater revolution, and it will stand forever if their descendants shall have the virtue and the patriotism of their sires.

# CHAPTER VI.

## MICHIGAN.

HER RANK, POPULATION, AND IMPORTANCE — POLITICAL HISTORY — TERRITORIAL ORGANIZATION — ADMISSION TO THE UNION — STATE GOVERNMENT — CONSTITUTION OF 1850.

TAKING leave of the federal government, we will now come home to Michigan. It is a State to be proud of. Second to none in intelligence and in the character of its population, it ranks number nine in the general average of the forty-five States of the Union. With a temperate and healthful climate, a productive soil for agriculture in the Southern Peninsula, and in the Northern, rich in precious metals; ranking first in the production of iron and lumber, second in copper, and producing half of the salt in the United States; with a population of about two and a half millions — nearly as great as that of the thirteen colonies in the Revolution — a geographical area about as large as Venezuela, or Turkey in Europe, and twice as large as Portugal or Holland — it has all the foundation requisites for an empire in itself. Its growth has been steady and is still unchecked. Ranking number twenty among the States in 1850, it was thirteenth in 1870, and ninth in 1890.

The territory of Michigan belonged to France from its first settlement at Sault Ste. Marie in 1668 until 1763, nearly a hundred years later, when as a result of

the memorable victory of Wolfe over Montcalm, at Quebec, it passed, with the Canadas, into the hands of England. Here it remained, a practically unbroken wilderness as it was, until 1796, when, following the fortunes of war again, it formally passed into the possession of the United States in the final settlement and wind up with Great Britain after the Revolutionary war, and became a portion of the great Northwest Territory which stretched away in a line from Detroit and Mackinaw on the north to the most advanced settlements in Ohio on the south. In this condition it remained for nearly ten years longer, or until 1805, when it was organized into a Territory by itself. It is a significant fact and prophetic of its after prosperity and greatness that its earliest charter, or organic law, was the great Ordinance of 1787 and 1789 which had dedicated this great Northwestern Territory to freedom forever. Detroit was made the first capital of the new Territory. From its organization in 1805 to the year 1823 the government was in the hands of the governor and three judges — a kind of political oligarchy. Then Congress put the legislative power into the hands of the governor and a council of nine persons, chosen by the president of the United States, and confirmed by the Senate, out of eighteen elected by the people of the Territory.

### MICHIGAN ADMITTED TO THE UNION.

From our last date, 1823, Michigan remained a Territory — presided over as governor nearly the whole of the time by General Lewis Cass, who afterward figured so conspicuously in the councils of the nation, and came so near to the election to the presidency

in 1848 — until 1835, when a constitution was adopted, and application made for admission into the Union. This Constitution was accepted by Congress in June, 1836, and, after some delay over the settlement of the boundary line between the new State and Ohio, Michigan was formally admitted into the Union on the 26th of January, 1837 — the twenty-sixth in the column of States, and the thirteenth to be admitted since the beginning. Up to this time the people of the Territory had been governed by the acts and ordinances of the governor and judges, the council, and the statutes of the territorial Legislature. These musty old tomes are still found tucked away in the public archives, and in lawyers' offices. But when Michigan passed out of the territorial condition, and from under federal authority, and became an independent State in the Union, she began to exercise her sovereign rights, and one of the first things which she did was to put her political house in order under the Constitution which she had adopted. Then we began to have the first statutes of Michigan, proper — the old "Revised statutes of 1846."

When Michigan was admitted as a State in 1837, her population was made up almost entirely of emigrants from New York and New England, who followed the natural lines of latitude westward. No better population ever settled a new State. It was composed of the best English stock, trained in the common schools of that most intelligent portion of the Union, and under all the patriotic influences and surroundings of a stalwart ancestry which had so recently taken part in the Revolution. This was before the days of foreign immigration. In view of the great dangers which have been recently so justly apprehended from

this source, it is interesting to remember that when Michigan was in her teens she appointed and paid a commissioner a large salary to go over to Europe and establish agencies to solicit these foreign emigrants to come here and settle within her borders. This incident in our history is now nearly forgotten; the office of "commissioner of emigration" long since "fell into decay." Happily for us, the great foreign tide swept around us to Chicago and the farther States of the great Northwest, leaving our population still among the purest and best of any of the States in the Union.

THE STATE GOVERNMENT — CONSTITUTION OF 1850.

Detroit, as we have seen, was the first capital of Michigan, and remained so until 1847, when the seat of government was removed to Lansing. Stevens T. Mason, the handsome and interesting young Virginian, who had been secretary and acting governor of the Territory, was elected the first governor of the new State. This was under the Constitution of 1835, which for sixteen years remained the organic law. There were a good many important matters to be attended to in those early days — State bank and currency, public improvements, railroads, school system, university, etc. But I am not writing the political history of the State, and this brief glance is simply to give a few of the leading circumstances and elements which went to form the origin and occasion of the laws by which the people of Michigan have since been governed. There were some good men and able minds among those early Michigan statesmen, and they laid the foundations of our political house with a good deal of wisdom and patriotism. But as the State began to grow and

expand under their hands, they saw the necessity for another and more perfect constitution than the one which they had made in some haste as a preparation for their admission to the Union. So a constitutional convention was called and held in Lansing during the summer of 1850.

This convention was composed of one hundred members, elected from the different counties, and embraced in its number many of the foremost and ablest men in the State. The Democratic party was then in power, but there was not much politics or partisanship in its discussions or results. After a session of about three months, during which, through committees and debates, the whole ground was gone over, the convention completed its work and submitted the new Constitution to the people of the State, when it was promptly ratified at the next November election. That was nearly fifty years ago, when Michigan contained only about a tenth part of her present population, but that Constitution is still the organic law of the State. The men who made it are nearly all dead, and the years that have intervened since their work was done have been full of growth and marvelous change in almost every direction. Repeated attempts have been made, without avail, to supplant this Constitution, and in the spring of 1867 another convention was called, and spent many weeks at Lansing in drafting and adopting another, but when submitted to the people it was defeated by a large majority. Again, in the summer of 1873, a constitutional commission, voted by the Legislature and appointed by the governor, met at the capital, and spent considerable time in the careful prep-

aration of another instrument, but that, too, was as promptly rejected by the people at the polls.

The original Constitution has thus remained unchanged, except as scattering amendments have been adopted from time to time; but these have generally been upon minor points and to facilitate and adapt the running of the government to some of the most pronounced changes in modern conditions. The general tenor and scope of the instrument remains unchanged. The model of this Constitution of 1850 is that of its great federal progenitor and example, and substantially the same as the constitutions of New York and Massachusetts, from which States, as we have seen, the population of Michigan was so largely derived. I suppose that in fact there is not any very wide departure in any of the State constitutions from the original model of the federal government. The bill of rights is very nearly the same in all the States, and there is little difference in the division of the powers of government. In a great homogeneous nation, such as we desire to be, this uniformity in government is most desirable and wise. It prevents friction and promotes harmony in the great and necessary political relations of the States with each other and between them and the central government. In the next chapter I shall come closer to the practical government of Michigan under this Constitution of 1850 and the statutes which have been passed in pursuance of it and its several amendments.

# CHAPTER VII.

MICHIGAN UNDER THE CONSTITUTION OF 1850 — MODELED AFTER THE FEDERAL CONSTITUTION — THE LEGISLATURE — THE JUDICIARY AND THE COURTS — THE GOVERNOR AND HIS DUTIES.

PERHAPS this is as good a place as any for me to remind my readers that I am not, in this work, undertaking to tell how we ought to be, but only how we are, governed. In other words, I am not engaged in criticising our system of government, but only in explaining what it is. If this were not so, if I were to criticise, I might not know where to stop. And still another thing I ought to say to the reader, in justice to myself and caution to him, is that I can only give here a glance at the outlines and show the fundamental principles of our political system. To go into details and speak of all the laws, the multitude of changeable and changing statutes by which we are governed, would extend these chapters to the dimensions of the three ponderous volumes in which our Michigan statutes are themselves contained.

### OUTLINE OF THE CONSTITUTION OF 1850.

It is my purpose in this chapter to speak of the Constitution of 1850 which is still in force, and to give an outline view of its provisions. As we have already shown in speaking of the Constitution of the United States, a constitution is the organic, original law of the State; the solemn, written proclamation or statement of the

fundamental principles by which it proposes to be governed, and it is supposed always that these principles are to be followed by statutes passed by the Legislature to give them application and effect. The Constitution is the solid foundation of the political house, which supports all the statutes and institutions which may be built upon it, and is therefore meant to be permanent, like the stone foundation of a private house, or public edifice, which is to support all the wooden rooms and stories above it. So we have had, and built our political foundation for nearly fifty years; bracing it a little here and there, and adding an angle in the shape of an amendment now and then, so that it seems to me to be in very good condition yet, and capable of supporting our magnificent State superstructure for many years to come. It is true there is a decided blemish upon it in the matter of salaries of State officers, which, as we shall see farther along, are now very unequal and unjust; but it is to be hoped that this will be fully corrected by subsequent amendments, as has already been partially done in the same way.

### THE LEGISLATURE AND ITS FUNCTIONS.

In every free government the Legislature, or law-making power, which the word means, is the most important department of the three which are always considered fundamental — the legislative, the executive, and the judicial. Here I may say that our Constitution in organizing these departments, followed very closely the federal model. In so far as our independence is not touched or controlled by our subordinate relations to the general government, we are a little nation by ourselves, very much after the political fashion of the

greater one. Take our Legislature at Lansing, with its House of Representatives presided over by its speaker, and its Senate by the lieutenant-governor, and our governor to sign or veto bills and execute the laws, and you have a pretty exact copy of the larger House at Washington, presided over by its speaker, the Senate with the vice-president in the chair, and the president to sign bills and see that the laws are executed. And the national Supreme Court sits there as does our State supreme court at Lansing.

In the national legislature, or Congress, the House of Representatives is elected by districts on the basis of population, and the Senate by the States. So in our little congress at Lansing the members of the House are elected from districts according to population, while the senators practically represent the counties, but not exactly as the senators at Washington represent the States without regard to population. Our State senators are elected by districts embracing one or more counties, according to population. There are thirty-two of these districts and every senator when he rises to speak is recognized by the number of his district. By a provision of the Constitution the lieutenant-governor presides over the Senate, but the members elect their own secretary, sergeant-at-arms, postmaster, etc., at the opening of each regular session. The Senate, like its namesake and model at Washington, confirms nominations made by the governor, and is the court for the trial of all cases of impeachment of public officers. Any citizen above the age of twenty-one years may be elected a member of the Senate.

The other branch of the Legislature, the House of Representatives, is composed of one hundred members,

elected by districts on the basis of population. The apportionment for this purpose was left by the Constitution to the Legislature so as to accommodate to the growth of the State. This apportionment has been changed a number of times, and sometimes it must be said for party purposes. The House elects its own speaker, clerk, and other officers. It has no qualifications for membership except citizenship and the legal voting age. The Senate and House constitute the Legislature which assembles in regular session at Lansing, the capital, every two years, on the first Wednesday in January. It may also be called to meet in special session by the governor whenever he shall deem that the public exigency requires it; but in such case it can only legislate upon the specific subjects named in his proclamation calling it together. Each house makes its own rules and acts through its own committees, which are appointed, respectively, by its presiding officers, and the two houses meet together in what is called joint convention, presided over by the lieutenant-governor, to listen to the governor's message, elect United States senators, and for other purposes.

The chief business of the Legislature, of course, is the passage of laws. The manner of doing this is very similar to that in Congress, which I have already described in the proper place. Relatively, by custom and necessity, the speaker of the national house has more power and authority than our State speaker, while the vice-president is about as ornamental and harmless in his place as the lieutenant-governor is in the other. But the copy of the Legislature is on the whole an almost exact reproduction of the original at Washington. Bills are offered in either house, as there, re-

ferred to committees, reported back, considered and debated in committee of the whole, recommended favorably, passed viva voce by a yea and nay vote, signed by the speaker and lieutenant-governor, approved by the governor, and thus made into laws. They are called bills until passed and signed in this way. Then they go into the statutes as laws, waiting ninety days before taking effect, so that notice may be had, unless they are given immediate effect by a two-thirds vote in both houses. If the governor vetoes a bill, the Legislature may pass it over his head by a two-thirds majority in both houses, the same as Congress may do in case of a veto by the president. Either house may, by a two-thirds vote of all the members elected to it, expel a member. In the whole history of the State but one has ever been thus expelled, and that lonely and unenviable distinction was won by Milo H. Dakin, a member from Saginaw, who was expelled for misconduct, by the Legislature of 1887.

### THE JUDICIAL POWER — OUR COURTS OF JUSTICE.

When a law is passed by the Legislature and goes into effect, there is sometimes more or less friction in applying it to the object intended, and frequent controversy over its true meaning. Laws are general and uniform in their terms, and are meant for the whole people, but they take effect upon individuals who get in their way. It is to settle the disputes which arise from this collision that courts of justice are ordained. Here at home, under the laws of our own State, which, as I have heretofore pointed out, so exclusively cover all the political and social rights and conduct of the citizen, these courts come very close to the people. But

few men in Michigan, comparatively, have ever seen a federal court; not one in ten thousand, probably, has ever looked upon the Supreme Court of the United States. But here our court houses and courts are familiar objects, and the judges are our own neighbors.

The judicial power in Michigan is lodged in one Supreme Court, in thirty-three Circuit Courts, a Probate Court in each county, and four justices of the peace in each organized township. To these have been added by the Legislature, under amendment to the Constitution, one extra circuit judge in Kent and Saginaw Counties each, and four extra judges in Detroit. In addition to these, municipal courts of criminal and civil jurisdiction — generally called police or recorder's courts — have been established in the principal cities of the State.

Our present supreme court is composed of five judges, elected on general ticket by the voters of the State, holding their offices for ten years, at a salary of $7,000 per year. Until recently there were four judges at a salary of $4,000 each. But the even number made equal divisions and worked badly. This court meets at Lansing four times each year, and hears argument and decides questions of law which come up to it from the inferior courts of the State. It does not try questions of fact and hear witnesses, like the other courts. The chief justice who presides over it is the oldest judge, or the one whose term is the first to expire. It has original power to issue writs of error, habeas corpus, mandamus, quo warranto, and other remedial writs — chiefly to bring alleged urgent cases of wrong directly and speedily before it. In all other cases it has appellate jurisdiction; that is, to hear cases appealed to it.

The circuit courts are practically the most important of all, and concern the people most directly and largely. A circuit judge is elected for a term of six years, and is now paid a salary of $2,500. His circuit is one or more counties, according to population, there being thirty-three circuits in the State, as we have seen. The circuit court has a very wide original jurisdiction over all matters and questions, civil and criminal; all cases of law and fact where the amount in controversy exceeds $100, and in all criminal cases of the grade of felony. Besides this it hears and decides cases appealed to it from the probate court, justices' courts, and other inferior tribunals. It also issues the great writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, etc. A writ, in law, is a command. Four terms of this court are held each year in every county containing ten thousand inhabitants.

In each of the counties there is a probate court, presided over by a probate judge elected by the people, who holds his office for four years at a salary paid by the counties according to population. As almost everybody knows, the duties of a judge of probate are to take the proof of wills, grant administration of estates, appoint guardians, etc. Appeals from this court may be made to the circuit court. Like the circuit, the probate is a court of record; that is, has a clerk and seal, and its proceedings are recorded for permanent preservation and inspection.

In every organized township of the State there are four justices of the peace, elected alternately at the township spring election.

They hold their offices for four years, and are paid by fees when they perform any service. In all civil

cases they have an exclusive jurisdiction to the amount of $100, and a jurisdiction concurrent with the circuit court in all cases involving between $100 and $300. We shall have occasion to speak of these officers farther along when we come to treat of the townships.

As a part of our judicial machinery the Constitution has provided for one or more circuit court commissioners in each organized county who are practically the assistants of the court, possessing the same power that the judge has when his court is not in session; like the power to take and discharge bail, to take testimony, etc. They are paid by fees, and lawyers are only eligible to the office.

### EXECUTIVE DEPARTMENT — THE GOVERNOR AND HIS DUTIES.

When the other departments have acted, and laws have been passed, applied, or questioned and interpreted, they must be executed, and here the executive department comes in. The executive is the governor. His office has been one of growing importance as the State has increased in population, bringing with it not only more laws but more State institutions of various kinds, made necessary by our humane but complex civilization. It is true that the Civil war devolved upon the governor of that day tremendous responsibilities, but that was an exceptional case in our earlier and middle history. We have had twenty governors of Michigan since the organization of the State government, besides four acting lieutenant-governors, and the State has had no reason to be ashamed of any of them.

The governor of Michigan must be thirty years of

age, five years a citizen of the United States, and two years a resident of this State. He holds his office for a term of two years, with a salary now of $4,000 per year, and is of course elected by the people. He is commander-in-chief of all the military and naval forces which the State may have, and may call out such forces to execute the laws, suppress insurrections, and repel invasions. That is his military duty, and it grows more responsible and important every year in these times of strikes, lynchings, and other public disorders. His civil duties consist, in the main, in the oversight of all our public offices and institutions — enough in itself to keep him fully occupied. But he has many other duties besides. He has the pardoning power in his hands, though now aided in this by the recommendation of the advisory board of pardons, lately instituted. Perhaps the most important, and certainly the most showy and prominent, of his duties is found in his relations to the Legislature and the making of the laws. On occasion, as we have seen, he may call this body together in extraordinary session. In all its sessions he has to sign every bill passed in order to give it any validity, unless repassed over his head; and he may return any bill with his veto. It is his duty also to communicate publicly with the Legislature through regular or special messages and recommendations.

The governor can hold no federal office during the time for which he was elected, and he is assisted in his duties by a number of appointed State officers, of whom we shall speak farther along. In case of his removal from office, death, inability, resignation, or absence from the State, he is, of course, succeeded by the lieutenant-governor.

# CHAPTER VIII.

THE DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE OFFICE — ELECTED STATE OFFICERS AND THEIR DUTIES — APPOINTED STATE OFFICERS — OUR ELECTORAL SYSTEM — REGISTRATION AND CAUCUS LAWS.

THE philosophy or plan of our system of government, State and national, is to devolve the executive office upon a single person. This is doubtless the best way, as it avoids divided councils, and tends to unity and concentration of action. There should be one mind and one will in the last resort. But the details of the executive office in such a country as ours, and in such times as these, are too many and various for one mind to grasp or one man's labor to compass, and so our system contemplates that while the power and responsibility of ultimate decision should rest in the single will of president or governor, the vast mass of details should be attended to by subordinate officers, responsible to him and acting under his direction and authority. So, as we have seen, the president of the United States is provided with a cabinet, composed of officers who are the heads of the several great departments under the government. In the same way, and for the same reason, the governor of Michigan is assisted in his duties by State officers at the heads of the several departments corresponding, as nearly as may be, to those of the federal government. A part of these — those first constituted and named in the Consti-

tution — are elected by the people. The others, which have been added since, are appointed by the governor and confirmed by the State Senate, as the president's cabinet is appointed by him and confirmed by the United States Senate.

### ELECTED STATE OFFICERS AND THEIR DUTIES.

At the general State election which occurs every two years, there are elected on the same ticket with the governor and lieutenant-governor, a secretary of state, a superintendent of public instruction, a State treasurer, a commissioner of the land office, an auditor-general, and an attorney-general. These officers are elected for a term of two years, and keep their offices at Lansing, the seat of government. Their salaries are as follows, yearly: State treasurer, $1,000; superintendent of public instruction, $1,000; secretary of state, $800; commissioner of the land office, $800; attorney-general, $800; auditor-general, $3,000. It will be seen that these salaries are very unequal, and some of them manifestly inadequate. That has come about in this way: When the salaries of the circuit judges were raised, the office of auditor-general was included in the amendment, and his present salary has been fixed by the Legislature. The others and smaller ones remain as they were in the Constitution of 1850. The people have obstinately and foolishly voted down all attempts to remedy this inequality and injustice. The reader will probably remember the great scandal which followed the discovery that the last of these attempts had really failed, when supposed to have succeeded, and how the future of two or three bright and rising public men has been eclipsed by their alleged complicity in fraudulent efforts to overthrow the will of the people.

In the compass of this work I can only speak very briefly of the duties of these elected State officers. The secretary of state is the keeper of its great seal and of all its laws and records. Every commission and proclamation of the governor is countersigned by him. He publishes the laws and the legislative manual, and makes the annual reports relating to agriculture and vital statistics. These latter are now frequently given to the people through the press. He supervises the tenth yearly census, issues patents for State lands, gives notice of State elections, and the submission of amendments. The State treasurer is the financial officer of the State, and has charge of the State funds. He has no original power to institute measures of finance, like the secretary of the treasury at Washington, as his duties are fixed by statutes and he can only pay out money as authorized by law. He gives bonds in the sum of $150,000 and is required to make an annual report to the governor. The auditor-general is the account keeper of the State. He keeps the account between the State and the State treasurer, and no moneys can be paid out of the treasury except upon his warrant, and he countersigns all receipts of the treasurer. It is his duty to apportion the State tax among the counties and settle accounts with the county treasurers for money due to the State. He passes upon all claims against the State, and allows only those that are just and lawful. It will readily be seen that the office of auditor-general is one of much importance and responsibility.

The commissioner of the State land office is the officer having charge of all the land belonging to the State, that is, of lands where the title is in the State. He

prosecutes all trespassers on these lands, issues licenses to homestead settlers, and, in a word, sees to the sale, leasing, and general disposition of all State lands. The superintendent of public instruction is a very important and busy officer in these times when our population has so greatly increased and our common-school system become so widely extended. He has the general supervision of all the public schools and State educational institutions; sees to the collection of and tabulates the school statistics of the State; apportions the primary school fund to the counties; counsels schools officers in relation to their duties, and prepares blanks for the use of school officers; organizes and visits teachers' institutes; compiles and publishes the school laws; appoints visitors to the State university and to other chartered State institutions. He also prepares all questions used in the examination of teachers throughout the State. The attorney-general is the law officer of the State, and has charge of its legal business. He appears for the people in any court or tribunal where any case, civil or criminal, is pending, in which the State, or any department of the State government, is interested. He gives opinions on law when required by the Legislature, the governor, or any State officer. He also frequently assists prosecuting attorneys in important criminal trials before juries.

### APPOINTED STATE OFFICERS.

Besides our State officers who are elected by the people, there are a number of others of nearly equal importance who are appointed by the governor. These are the commissioner of insurance, the commissioner of railroads, the commissioner of labor, and the commissioner of State banking. The titles suggest the duties

of these various offices. They have all been created in comparatively recent years, and their duties are very important. There being no constitutional prohibition in the way, they are paid very respectable salaries — commissioner of insurance, $2,000; railroads, $2,500; labor, $2,000; State banking, $2,500. In addition to these are the lesser offices of State librarian, State inspectors of oils and salt, game and fish warden, and commissioner of mineral statistics.

### OUR STATE ELECTORAL SYSTEM.

This is a very important branch of our government, and one that lies at the very foundation of the State. Michigan, like most of the older Northern States of the Union, was built upon what is called manhood suffrage, although it was not until after the war that the negro was allowed to vote. He acquired his right to the suffrage through the same bloody ordeal which gave to his race at the South the right to their freedom. So we now have in our State the broadest kind of suffrage for men, without qualification of property or intelligence. Only in school questions, where taxes are to be raised, are women permitted to vote, and here only is a slight property qualification of taxpaying required for both men and women. An attempt to confer general municipal suffrage upon women, as our readers will remember, has only recently miscarried.

As to our native-born population the only requirement for suffrage is that the voter shall have attained the age of twenty-one years, and have resided in this State six months, and in the township or ward in which he offers to vote twenty days next preceding the election. Men born in other countries must be nat-

uralized before they can vote; that is, they must have resided in the State two years and six months prior to the eighth day of November, 1894, and have declared their intention to become citizens of the United States the same length of time before the last day named. Civilized Indians, natives of the United States, and not members of any tribe, are entitled to vote on reaching the age of twenty-one years and having resided in the State, township, or ward the same time as the others. All voting is done by ballot, under the modern ballot law, too long to describe here, but which has become practically familiar to all voting citizens, and which may be best learned by watching its practical operation. One small and solitary exception to this great rule still remains, as if it had survived for us from the old Athenian Democracy, — the voting by *viva voce* for overseers of highways, or pathmasters, at the noon intermission on town-meeting day.

### REGISTRATION AND CAUCUS LAWS.

I have given only the broad outlines of our electoral system, as all the details would prove too cumbersome, but before I conclude this chapter I wish to speak of two very important statutes, or measures, both of which have come into existence in comparatively recent years,— within the last generation at least,— and which serve as very decided restrictions upon the exercise of the right of suffrage. I refer to the registration and caucus laws. Under the first of these laws the elector loses his right to vote unless he has been duly registered; that is, unless he has presented himself and had his name recorded by the registration board of

his ward or township, which meets, on notice, usually the Saturday preceding the election. Without a compliance with this formality he has no more business to vote than a man just landed from Abyssinia or Patagonia. He ceases for the time to be a part of our political State.

The caucus law, which is of more recent date than the other, qualifies and restricts the right of suffrage by compelling political parties to nominate their candidates in accordance with its provisions, under penalty of declaring votes for them void in case of non-compliance. The design of this law is to purify the caucus system and protect the rights of candidates and the people. Before this law the caucus, which has become so interwoven with our whole political system, and is an indispensable agency in our political action, had been the prey of all manner of tricks and frauds by which good candidates had been defeated and bad ones nominated, to the destruction of private right and the detriment of the public good. So the theory was advanced and finally adopted by which the law reaches down and covers this groundwork and foundation of our whole political superstructure. Dishonest candidates and their unscrupulous followers can no longer, as of old, stuff handfuls of tickets into the tellers' hats, run in droves of drunken loafers of the opposite party from the neighboring saloon, or tip over the tables and blow out the lights when honest men are getting the better of them.

But here again I have no space to go into particulars. The law is very full and careful in all its provisions, and has to be, in order to head off the tricks and machinations and ingenious villainy of this class of

offenders. It is proving a very effective bar to their proceedings, I am glad to know, as political conspirators see that it does not pay for them to defy the Legislature and fall into the hands of the courts. And so another great advance in honest government has been made.

# CHAPTER IX.

## OUR TAXING SYSTEM.

THE PRINCIPLE OF TAXATION — DIRECT AND INDIRECT TAXES — SPECIFIC AND GENERAL TAXES — HOW ASSESSED AND COLLECTED — EXEMPTION — RIGHTS OF MARRIED WOMEN.

THE right of taxation in all free governments rests upon the primal and natural obligation of every citizen to pay his proportionate share of the necessary expenses of his government. This is in return for the benefits conferred and the protection afforded by the State. It is a mean man who tries to evade the payment of his taxes. To do this he must commit three crimes, at least: he must cheat the State, defraud his honest fellow citizens, and take a false oath. In the main, however, men do not escape their taxes. The old saying is that "death and taxes are always sure." The taxing power is among the greatest, and certainly the most indispensable, in the State. Governments are necessarily expensive institutions. To provide the revenue of a State, the salaries of public officers, the support of public institutions of justice, education, and charity, and the thousand and one incidental outlays, requires in the aggregate a very large sum every year. The finances of a Nation or State — how to raise them, and in what manner to expend them — is a business for statesmen, and a subject over which political parties differ and wage their fiercest battles.

Unnecessary taxation is unjust taxation; and in the hands of tyrants this becomes extortion and public robbery. This kind of taxation, if it may be socalled, has played a great part in history. It has brought on revolutions and overthrown governments and dynasties. In England, two hundred and fifty years ago, John Hampden made himself an immortal patriot and hero in resisting such a tax, and Charles I lost his head in trying to enforce it, with other tyrannies. The sturdy patriots of '76 threw the unjustly taxed tea into Boston harbor, and George Washington, with the noble men of the Revolution, resisted successfully the attempts of Great Britain to unjustly tax the colonies. The mighty revolution in France a hundred years ago was largely brought on by extortionate and unendurable taxes to support the boundless extravagance and sumptuous revelries of a corrupt and enervate court and nobility The capacity of a people for self-government can be measured by their sensitiveness to unjust taxation. We have seen how the Englishman and American resent this. The brutal and ignorant Turk, on the other hand, stolidly submits when the sultan's tax-gatherers return again and again, until half his harvest is taken to swell the great yearly sum wasted by his extravagant and sensual tyrants. He does not resist. He would rather kill an Armenian.

### DIFFERENT KINDS OF TAXES — SPREADING AND ASSESSMENT.

Broadly divided, taxes are what are called direct and indirect. It is this distinction which I pointed out before while treating of the national government. The State tax is direct; that is, levied directly upon the

property of the citizen. The national tax is obtained indirectly, and mostly by imposts and excises, that is, by tariff and internal revenue duties. The first of these, the State tax, being plainly assessed upon his visible belongings, can readily be seen and comprehended by the citizen; the second, or tax for the support of the national government, being spread upon what he eats, drinks, wears, and uses, he does not see, and generally does not comprehend — which is probably well for him. But with this latter class we have here nothing to do. Taxes are again what are called specific, that is, levied upon a particular property or business, like banks or railroads, for instance; or general, which are assessed pro rata, upon the property of the whole people. This kind constitutes the bulk of our State taxation.

The Constitution of the State has directed that the Legislature shall provide a uniform rule of taxation, and that taxes shall be levied upon such property as shall be prescribed by law, and that all assessments shall be upon property at its cash value. The law must be very clear and explicit in stating the nature of the tax and the object to which it is to be applied. Beginning with the State tax, our taxing system runs down through the county, township, and city. The mode of it is this: The Legislature looks over the ground, and ascertains the amount necessary to be raised for the expense of the State government. The auditor-general spreads or apportions this uniformly through the counties. The board of supervisors, a smaller legislature, in its sphere, determines the amount to be raised for the county, puts this with the State tax, and apportions the two among the townships. Coming down

toward the people, you see. Then the town meeting and township board find out what is required for the township expenses and the supervisor adds this to the State and county tax and spreads it among the taxpayers of his township. This done, everywhere, all over the State, and we have reached down to the people at last. This process is substantially the same for the city, substituting the city ward for the township.

The amount of the whole tax being thus ascertained, the supervisor now assesses all the property of his township; that is, estimates the value of each man's property, and puts down his proportionate share of each of the several amounts to be raised for State, county, or township purposes. If in this process the taxpayer finds any mistake or wrong, he may appeal to a board of review, as it is called, which is composed of the supervisor and two persons elected in the township, or the supervisors of the wards of the city, who meet after due notice to correct such errors, hear complaints, and amend the tax roll.

### COLLECTION AND EXEMPTIONS — DISBURSEMENTS.

The tax roll, having now been examined and perfected, is placed in the hands of the treasurer of the township, or city, for collection. This officer gives notice of the time and place of receiving the taxes, which, in the State, outside the cities, is in the month of December of each year, and if the taxes are not paid by the end of that month, the rule has been to add four per cent for collection fees. But the Legislature may, and frequently does, extend this time by a special act for certain localities. When the extension expires, if a man refuses or neglects to pay his taxes, enough of his property is taken and sold to pay them.

Not all property is subject to taxation. There are a number of exemptions: 1. Property belonging to the United States, like a post-office building, for instance; to the county, like a courthouse or jail; to a township, village, or city, like a townhall or city hall. 2. The property of all library, benevolent, charitable, and scientific institutions, or G. A. R. posts. 3. The property of religious societies, as churches, parsonages, burial grounds. 4. The property of persons who, by reason of infirmity, old age, or poverty, are in the opinion of the supervisor unable to pay taxes. 5. Two hundred dollars' worth of personal property, one hundred and fifty dollars' worth of library books, and the same amount in musical instruments.

The treasurer of the township or city, having collected the taxes, pays the State and county tax over to the county treasurer, and that officer turns the State tax over to the State, and makes his settlement with the auditor-general. The school tax is paid over by the treasurer to the school board of the district or city. The tax fund raised for the State is ordered by the Legislature; the county taxes by the board of supervisors; the township taxes by the township board; the city taxes by the common council; and the school tax by the school board and school meeting. These bodies direct the payment for all sums by orders or warrants drawn upon their respective treasurers. A very nice and logical piece of governmental construction, as will be seen.

### GENERAL EXEMPTIONS — RIGHTS OF MARRIED WOMEN.

Having pointed out in the foregoing the exemptions allowed in the collection of taxes, let me close

this chapter by a brief enumeration of the broader exemptions which prevail in the collection of debts, generally. As the Constitution stands to-day, the personal property of every resident of the State, consisting only of such descriptions as are designated by law, is exempted to the amount of not less than five hundred dollars from execution; that is, from legal sale on any final process of court, in all cases where the debt was contracted after the adoption of the Constitution. So much for personal property: Next comes a liberal and humane homestead exemption. In the country, that is, outside of a city or of a village, this exemption covers forty acres of land and the dwelling house on the same, the owner having the privilege of selecting the forty acres from any other land which he may own. If a resident of a city, or of a village having a recorded plat, he may claim the exemption of any lot and the dwelling house thereon not exceeding in value $1,500, if he owns and occupies the same. These exemptions, however, will not hold as against lawful mortgages made upon them by the owner, but such mortgages are not valid without the signature of the wife, if there be one. The homestead in country or city, after the death of the owner, is exempt from the payment of any of his debts contracted since the adoption of the Constitution, in all cases, during the minority of his children. If the owner of a homestead die, leaving a widow but no children, the same is exempt, and the rents and profits accrue to her benefit during the time of her widowhood, unless she be the owner of a homestead in her own right.

An amendment to the Constitution of very great importance, relating to the legal rights of married

women, was adopted in 1870. By this amendment the real and personal estate of every female, acquired before marriage, and all property to which she afterward becomes entitled by gift, grant, inheritance, or will, is to remain the estate and property of such female, and is not liable for the debts, obligations, or engagements of her husband; and she may devise or bequeath such property as if she were unmarried. In other words, the law now is that all property of any kind which a married woman may have owned at the time of her marriage, or which she may earn, or have given to her afterward, belongs to her, in her own right, to be disposed of by her according to her own will, subject to no debts or control of her husband, — the same in all respects as if she were a single woman, or a man.

# CHAPTER X.

## OUR MAGNIFICENT SCHOOL SYSTEM.

A Glance at Its History — District Schools and Officers — Our Great University — Other State Educational Institutions.

The Congress of 1787, having by its great ordinance created the Northwest Territory, of which Michigan was a part, and dedicated it forever to freedom, solemnly proclaimed that "religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." Michigan, which was subsequently carved out of this vast region, has not been unmindful of this lofty dedication. It is true that in matters of religion she has followed the example of the federal Constitution and guaranteed religious freedom by that clause in her Constitution which declares that "the Legislature shall pass no law to prevent anybody from worshiping Almighty God according to the dictates of his own conscience."

This may not be putting "God in the Constitution," by express declaration, as so many people are demanding, but it is at least a very clear recognition of his existence, and that is something in these times. By guaranteeing religious freedom, religion itself is also impliedly recognized, and the judicial oath, which is a direct appeal to God to witness the truth of the matter stated, completes the recognition of a Supreme Being

in the universe, who rules over the affairs of men. So, as far as the law goes, we can not yet be called a godless people. But we have no State religion; the Constitution makes no test or discrimination, but guarantees its protection to all religious sects, leaving the conscience free.

This, as will be seen, is a good deal better than irreligion and heathendom, which some people seem to think it is. Religious liberty does not mean religious indifference, or anarchy.

### OUR MAGNIFICENT SCHOOL SYSTEM — A GLANCE AT ITS HISTORY.

But happily, no differences of opinion, no divisions of religious sects or denominations, have prevailed in the great field of education, and Michigan has been able to build up a magnificent school system which is the just pride of the State and the model and example for other commonwealths. Like all good masonry and mechanics, it has been built from the ground upward. The broad and comprehensive theory or plan upon which the wise and enlightened founders of the new State commenced its construction includes an educational system, beginning with the humblest primaries, or district schools, and expanding upward through the graded schools, the intermediate, and the grammar departments, to the high school, and then the whole educational superstructure to be finished in a noble university. This broad and comprehensive plan has been carried out. The old New England system began with the common or district school, supported by the general taxes, then the private school or tutorship, the academy, and last the college; these latter being

usually educational corporations, generally under the control of some religious denomination. Our system in its entirety is taken from the control of all private, corporate, or religious hands, and made a part of our political State, supported by the taxes of the people and protected and encouraged by public law.

To support this magnificent superstructure of education an ample fund was early created. The beginning of this financial support of our school system dates as far back as 1804, when Congress passed an act providing for the sale of land in the Indian territory, of which Michigan was a part. This act reserved from sale Section 16 in every township "for the support of schools." This was a year before the territory of Michigan was organized, but it was afterward expressly confirmed to the new commonwealth. The early pioneers and settlers of Michigan yet living will remember these school sections, and many of the richest farms in the State were purchased from them. To the great fund thus derived from this act of Congress the State afterward added one half the amount of the cash sale of the swamp lands. There were originally about one million acres of the school sections. The sale from these and from the swamp lands have made a perpetual school fund for Michigan of about $5,000,000. This fund is guaranteed by the Constitution to remain perpetual and inviolable for the object named. But even this great sum is being continually added to, as we shall see, by legislative appropriation, the payment of fines, etc.

### THE SYSTEM IN OPERATION — THE BEGINNING OF SCHOOLS

As early as 1827 the Territorial Legislature passed a law for the organization of schools. This was ten

years before Michigan was admitted into the Union, and the first law upon the subject. This law provided that the citizens of any township having fifty householders should provide themselves with a school-teacher, of good moral character, to teach the children to read and write. Any township having two hundred householders was required to provide teachers who were capable of teaching Latin, French, and English. This evidently was the beginning of the high-school idea. When the State was admitted into the Union in 1837, the first State legislature enacted a primary-school law which was almost an exact copy of the school law of New York, from which State so many of the pioneers had come. This, with little variation, is still our primary school system. By it the State was divided into school districts having a sufficient number of inhabitants to support a teacher. All grades of pupils were admitted to these schools. As the State grew in population, and the schools became crowded in the larger towns and villages, the plan of the union school was adopted; that is, the different districts in the town or village were combined in one school under one management. These schools, which have become so familiar to the people, were divided into several departments, known as primary, intermediate, grammar, and high school. Each of these departments was divided into grades or classes indicating different degrees of advancement. For this reason these schools are called graded schools. Under this system the high school has taken the place of the old branches of the university, and of private or religious academies, as furnishing a fair education in itself, and preparing young men and women for college or the university.

### THE DISTRICT SCHOOL AND ITS OFFICERS.

The district school is the first step in the ladder of our educational system, or to use perhaps a better figure, the ground floor of our educational house. The district school is at the bottom, the university at the top. The law provides for an annual meeting in every school district of the State on the first Monday in September of each year. These meetings, composed of citizens and qualified voters who have taxable property, and who have resided in the district three months, are about the best representatives of pure democratic government which we have left. For here the people, at first hand, legislate for themselves, vote their own taxes, determine the length of time they wish their schools to be taught, elect the school district officers, and attend to any other matter which may come before the meeting. Under the head of citizens, women, having property in the district, may vote at these meetings and are eligible to office. The Constitution provides that a school shall be kept, without charge for tuition, at least three months each year in every school district in the State, and taught in the English language.

The officers elected in the district are the moderator, the director, and the assessor. Together these officers have charge of the school, and are called the school board. They are elected for three years, the term of one expiring each year. The moderator is chairman of the district board. The assessor is the treasurer, and pays out money to teachers and for other purposes on orders of the director, countersigned by the moderator. The director acts as clerk of the board and of district meetings, gives notice of such meetings, gener-

ally employs the teachers, and keeps the schoolhouse in repair. When a district contains more than one hundred school children, the voters may, if they so desire, elect five trustees, and establish a graded school. This is the kind of school which we have just described, and which has taken the place of the old district school in all our villages and cities, and which has become so familiar that it needs no further description here. These five trustees are chosen for three years, and perform on a larger scale about the same duties as those of the district school board. In our larger towns and cities they are called boards of education, and having the management of schools which embrace thousands of pupils, they represent very large interests, and have very great responsibilities. All these public schools derive their support from interest on the primary school fund, one-mill tax, district tax, surplus of dog tax above $100, and fines for breaches of the penal laws. I have already spoken of the State superintendent of public instruction and his duties. When I come to county officers, I shall speak of the county school commissioner and what is required of him.

### THE UNIVERSITY AND OTHER STATE EDUCATIONAL INSTITUTIONS.

Our great University, located at Ann Arbor, was established in 1837, and is governed by a board of regents consisting of eight members, being elected by twos every two years, and holding their offices for a term of eight years. Of course I have not room here to give the history of this great institution of learning, nor even a catalogue of its many advantages. It has been the pride of the State, and ranks fully up with

Harvard and Yale; in some respects ahead of either. Besides its ample original endowment it has always received the fostering care of the Legislature, so it has never lacked for money. It has a great library, a large corps of professors and teachers, and a yearly attendance of nearly three thousand students, coming from every State in the Union, and even from foreign countries. It has sent out trained graduates by the thousands in the past, and with a little less football and disorder and more study, it will be an immense power for good in the future. The University is organized in three great departments: the department of literature, science, and the arts; the department of medicine and surgery; and the department of law.

Besides the University, there are several other State educational institutions, which should be mentioned here. The Normal School, located at Ypsilanti, established in 1851, is one of the chief of these. It is under the control of the State board of education, and is devoted to the education and training of teachers. The Agricultural College, located on a farm of nearly seven hundred acres, three miles east of Lansing, was established in 1855, and is under the control of the State board of agriculture. The Mining School, the last of these institutions, located at Houghton, in the Upper Peninsula, was established in 1885, and its government is vested in a board of control consisting of six members.

# CHAPTER XI.

## COUNTIES AND TOWNSHIPS.

THE BOARD OF SUPERVISORS AND ITS FUNCTIONS — COUNTY OFFICERS AND THEIR DUTIES — TOWNSHIPS AND TOWNSHIP OFFICERS.

OUR political system is composed of a number of subdivisions, the one within the other, but each having, to a degree, a separate political organism. Beginning at the top, the States are comprised within the Union, the counties within the States, the townships within the county, and geographically, at least, the cities and villages within the townships. In this vast machinery of government, each one of these organizations has, to a certain extent, and within its sphere, a kind of separate political independence. In the order followed I have now reached the counties and townships, which together will constitute the subject of this paper. The name "county" is derived from the French title "count," which, as the reader knows, belongs to an order of nobility under a monarchy. When William the Conqueror overthrew the Saxon king and government in England, he parceled out the land among his retainers and nobles, and from the subdivisions which fell to the counts the word "county" is derived. There is hardly anything in history which has not a meaning and a reason for it in the beginning.

There are eighty-five counties in Michigan, sixty-eight in the lower peninsula and seventeen in the

upper. These counties are subdivided into townships, there being from sixteen to twenty townships in the county. In treating of these lower subdivisions I am coming upon ground which is familiar, and I shall not, therefore, need to be so specific.

### THE BOARD OF SUPERVISORS AND ITS FUNCTIONS.

The distinctive governing agency in a county and the representative of its separate and independent political functions is the board of supervisors. This board is not unfitly called the county legislature. It does indeed within its owu jurisdiction exercise legislative power, and it has many of the attributes and forms belonging to legislative procedure. It is composed of one supervisor from each township or city ward in the county, and it holds its regular session each year at the county seat, beginning on the second Monday in October. In all the larger counties it holds special sessions as well. It elects one of the supervisors as chairman, and the majority of the board constitutes a quorum. The members get $3 a day for the first twelve days of the regular session and for the first six days of any adjourned session. For special sessions they get the same pay for the first three days only, and there can be but two such sessions each year with pay. It would seem that the higher Legislature at Lansing, which imposed these restrictions, had some fear that the supervisors might follow their example and hang around the county seats as they have been wont to do around the capitol; but the distances of the smaller body being more circumscribed, its members have not been able to make so much of their mileage of six cents per mile for going to and returning from their sessions.

This little county legislature has a good deal of power under the law. It is a body corporate, and all suits and proceedings by or against the county must be in its name. It locates and removes county seats, with the indorsement of the people, lays out highways, orders the construction of bridges, and organizes townships under such restrictions as may have been prescribed by law. It may borrow or raise by tax $1,000 for public repairs or improvements each year, but when any larger sum is required, like the construction of an expensive bridge, or the building of a courthouse or jail, for instance, the matter must be submitted to the vote of the people. The board of supervisors fixes the salaries of the county officers, and has the exclusive power to prescribe the compensation for all services rendered in any way to the county, and to adjust and settle all claims presented or made against it, and from this exercise of authority there is generally no appeal. It is a very arbitrary power, and is frequently very arbitrarily used, but where no legislative enactment stands in the way there seems to be no help for it. The exercise of this power in rejecting and cutting down claims against the county, and the salaries of county officers, together with other things of like character, has rendered these bodies more or less unpopular with the people.

### COUNTY OFFICERS AND THEIR DUTIES.

In every county there is a sheriff, a county clerk, a county treasurer, a register of deeds, and a prosecuting attorney. These officers are elected by the people every two years, and their duties and powers are prescribed by law. The judge of probate and the circuit

court commissioners are, in a sense, county officers, but I have already spoken of these in my previous chapter upon the judiciary. The sheriff, county clerk, county treasurer, judge of probate, and register of deeds are required to hold their offices at the county seat. To the above list should properly be added the offices of surveyor and coroner and the new and important office of school commissioner.

In many respects the leading and most important officer of the county is the sheriff. He is the chief executive officer and the guardian of the public peace and order. He attends all sessions of the court, and serves all papers, civil and criminal. He and his deputies make all arrests of criminals in all cases of felony, and in practice the sheriff has charge of the county jail, and furnishes board for the prisoners. By law he can only hold his office for two consecutive terms. He gives heavy bonds to be approved by the board of supervisors, and is paid by his salary fixed by the board and by fees prescribed by statute. The office of sheriff was formerly held in England and in this country as one of much dignity and honor. Sir Walter Scott, the great novelist, in his younger days was a deputy sheriff in the Scotch court. He was a lawyer by profession, and the office used to be held by lawyers. The father of Charles Sumner was a member of the Boston bar, and for many years high sheriff of Suffolk County. In recent times Grover Cleveland, a Buffalo lawyer, was sheriff of Erie County, and is alleged to have hung a man while performing the duties of that office. I have no doubt he made a good sheriff, and that he did not flinch a bit in discharging his disagreeable duty.

The county clerk is the next officer in the list, and it goes without saying that his office, too, is an important one. He is clerk of the circuit court and of the board of supervisors. He keeps a record of their proceedings; administers oaths to witnesses and jurors; records births, deaths, and marriages, and draws the grand and petit jurors. He is paid by legal fees and a salary fixed by the board of supervisors. This office, too, has been one of much dignity in the past. The great Sir Walter Scott, after he was deputy sheriff, was promoted to a lucrative clerkship in the court of sessions, the appointment enabling him to give his time to literature. The member of the Massachusetts family of Sedgwicks, so well known in the fields of statesmanship, law, and literature, after whom I was named, was for a lifetime clerk of the court in my native county of Berkshire.

The county treasurer keeps the county money, which he can only pay out on the order of the board of supervisors and the clerk and countersigned by the chairman. He also can only hold two consecutive terms. He gives a heavy bond fixed and approved by the board of supervisors, and is paid by a salary also fixed by the board. In my article on the taxing system I have already spoken of his duties in receiving from the township treasurer the State and county tax, and the payment of the former over to the State treasurer. The register of deeds, as the title implies, keeps a record of all deeds, mortgages, and other papers requiring record. He is paid by fees at the rate of eleven cents per one hundred words for recording papers, and he receives other fees fixed by law for various transactions. The prosecuting attorney is the

legal officer for the county. He attends to all its law business, gives legal advice to county officers, and prosecutes criminals, and appears for the county in all its cases in court. He is paid by salary fixed by the board, but receives no fees. The surveyor makes all surveys in the county which may be required by the court or any person living in the county, and keeps a record of the same. His compensation is not less than $4 a day for actual service. There are two coroners elected in each county, their duties being to investigate the causes of sudden or suspicious deaths. These cases are heard before a coroner's jury of six men. The duties of this jury are quite important, and very familiar to the people through the papers. Coroners are paid by fees. A superintendent of the poor and a drain commissioner are also chosen or appointed by the board of supervisors, and the pay of these officers is also fixed by the board. The duties of this latter officer are to determine the necessity of county drains or ditches, and to lay out, open, and construct the same.

One further office of great importance has been created in recent years, the office of county school commissioner. This has been found a great improvement over the old system, and practically puts the management and oversight of the schools of the county into the hands of one person. The commissioner conducts the examination for teachers, and visits every school in the county at least once a year. He also attends and takes a leading part in all the teachers' institutes held within his jurisdiction. His salary is fixed by the board of supervisors, but it can not be less than $500 per annum where there are fifty schools under his supervision, $1,000 for one hundred schools,

$1,200 for one hundred and twenty-five schools, and not to exceed $1,500 in any case.

TOWNSHIPS AND TOWNSHIP OFFICERS.

We have now reached the bottom of the political ladder,— our smallest political subdivision, the township. Here we find the same feature in our governmental structure which I have pointed out before. This little territory, which by law is only six miles square, contains a political organism which is peculiar to itself, and a little power of self-government which constitutes it the unit of our vast political system. The same idea and the same representative function extends from the township board to the board of supervisors for the county, the Legislature for the State, and at last to Congress for the Nation. This is from the bottom to the top; and the whole is a fine illustration of our splendid political system in its nice adjustment and orderly working, wheel within wheel, power within power — the glorious perfection of Anglo-Saxon liberty.

This part of my subject is so familiar to the reader by every-day experiences that there is little need that I should go into particulars in describing the township officers and their duties. These officers are our own neighbors, and their duties so immediately concern us all that they may be said to be performed under our own eyes. As everybody knows, the supervisor is the chief officer of the township. He is its representative in the board of supervisors, and appears for it in all legal proceedings. By law he is the assessor of all the property in his township and chairman of the township board. He holds office for one year, and receives two

dollars per day for official service. The township clerk keeps the records of the township, and files all chattel mortgages in his office. He is elected for one year, and receives $1.50 per day for actual service, and fees. The township treasurer collects the taxes, and holds the township moneys. These he pays out only on orders signed by the clerk and countersigned by the chairman of the township board. He gives a bond to the township. He is elected for one year, can hold the office but two years in succession, and receives $1.50 per day for actual service, and fees.

There are still two school inspectors elected in each township, but under the present system their duties are confined to dividing the township into school districts where necessary, altering or regulating boundaries, buying library books, and taking charge of the township library. They are elected for two years, and receive $1.50 per day for actual service. The board of review for the township is composed of two members, elected in alternate years, and the supervisor, and this board meets on the Tuesday following the third Monday in May, and on the fourth Monday in May of each year to review the assessment roll, hear complaints, and correct errors. The pay is $2.50 a day for time engaged. The highway commissioner is given charge of all roads and bridges within the township. He lays out the road districts, and selects the overseers when not otherwise chosen. His pay is $1.50 per day for actual service, and his term one year. Under him are overseers of highways, or pathmasters, as they are called, who are generally chosen *viva voce*, on town meeting day. It is their business, in law, to keep the roads in good repair, destroy noxious weeds, etc., but

as a matter of fact a good many of them plow up hard roadbeds and do a great deal of mischief, while leaving the weeds to grow in rank luxuriance. On the whole, I think the roads would be about as well without them, until we can adopt some system of intelligent road-making. But as it is, they are paid $1 a day for actual service, without regard to the damage they do.

I have already spoken of justices of the peace in my chapter on the judiciary. The four constables in each township serve and execute all papers from the justice courts, and are the local and primary conservators of law and order. They may arrest without papers a known criminal and all parties committing a breach of the peace in their presence. Their term is one year, and they are paid by fees. Finally, the township board — the miniature legislature of the township — is composed of the supervisor, the two oldest justices, and the township clerk. Three of them constitute a quorum. This board audits and settles all claims against the township. Whenever necessary they vote funds for township expenses, — the same principle of raising revenue for the government as that exercised by the House of Representatives at Washington, on a grander scale.

# CHAPTER XII.

## CITIES AND VILLAGES.

City Charters — The Mayor and Common Council — Other City Officers and Their Duties — Villages and Village Officers — Corruption of City Governments — A Danger to Liberty.

When the township was reached in my last chapter, the regular order of political succession was concluded. In taking up now the discussion of cities and villages, I come to a subject which belongs to a collateral line — to another branch of the political family, so to speak. Cities and villages are related to counties and townships as city people are to their country cousins. They are the members of the family who have branched off the main stock and gone into business and adventure on their own account. Our political system, looked at as a piece of governmental construction and architecture, would be complete without them. If we could imagine a nation without manufactures or commerce, — a rural, bucolic, virtuous nation, — we might say it would be better off without them. But no nation can be great without commerce and manufactures, and these can not thrive without the aggregation and co-operation of masses of people.

### GOVERNMENT OF CITIES A PERPLEXING PROBLEM.

So cities and villages are the logical and necessary outgrowth of population and national development. It

was necessary in the divine order of things that there should be a great seaport and a great city on the western shores of the Atlantic Ocean, and so New York, in all our history to the present time, has been the commercial metropolis of this great country and of the continent. Expansion of population toward the westward made it also necessary that there should be another great city in the middle interior, and so, on the shores of one of our largest inland lakes, mighty Chicago has gathered in less than a single lifetime more than a million and a half of people, and bids fair soon to wrest from her Eastern rival the numerical preponderance and the commercial supremacy of the continent.

Viewed in another light, and with a change of figure, cities, and especially the larger ones, may be said to be growths, and in a sense diseased growths, upon the body politic. For while, as we have seen, they legitimately grow out of the great necessities of civilization, and thus conduce to the progress of nations, they nevertheless involve much that is illegitimate and destructive to nations and to the race. To these great centers of population come vast armies of men actuated by all kinds of motives, good and bad. It would almost seem that the bad predominate. In the last twenty or thirty years the tendency has been to fill up the city at the expense of the country. This, of itself, is a sign of public disease, a congestion of the circulation at the centers. But it is not simply a question of over-population in the cities, it is one of bad population. The immense immigration of the lower strata of foreign nations,— the nihilists, anarchists, and criminals, the ignorant and the brutal, the liquor sellers and the liquor drinkers, the beer sellers

and the beer guzzlers,—all these, and many more almost equally bad and dangerous, make up a sum total from this source which is hard to deal with. Of course there are exceptions, and good men among this foreign class, temperate and order loving, but the larger part of such immigrants generally seek the country for homes. As for our own people who, mistakenly, as I think, leave the country and the solid ground under them to come into the city, they immediately, as a rule, go to swell the army of the unemployed, and their children are brought up in the midst of a thousand temptations which they might never have known.

But the human tides have continued to set toward the cities from without and within until they now comprise a full third of the entire population of the country—each one in itself an epitome and embodiment of all the human motives and passions—full of the sharpest contrasts of wealth and poverty, of morals and intelligence, of virtue and of vice; disinterested benevolence and philanthropy of the higher and better few striving to ameliorate and leaven the conditions of the ignorant and vicious many. Under these circumstances it is no wonder that the government of cities has in recent years become a great and perplexing problem. Strange that this problem should be aggravated by what we hold to be the crowning merit and glory of our political system—the right of universal suffrage. When all the bad elements to which I have referred have the ballot in their hands and are played upon by political demagogues and bribe-givers, it is easy to see what kind of a government will be the natural fruit and outcome. Indeed, the wretched gov-

ernment of our large cities has long since passed into a proverb. I confess that the thought had entered my mind to make this closing chapter of my series a vigorous discussion of this subject with the standing headlines changed to "How We Are Misgoverned." Not that there is much cause for complaint in our own city or the other Michigan cities where these words will go; but cities are all the time growing, and even now in our chief city of Detroit public corruption and aldermanic bribery are getting to be quite common diversions.

### CITIES GOVERNED UNDER CHARTERS FROM THE LEGISLATURE.

But I have not space to go into this general discussion here, and so must content myself with a brief statement of our public law applicable to the government of cities, and of villages, also, which are smaller and weaker copies, and fall under the same principle. While in this kind of government the general analogies of our system are followed, from the reason and necessities of the case municipal law has certain features peculiar to itself. Its primal source is in an act of the Legislature, general or special in its character. The Legislature is the law-making power, and the source and fountain of public authority throughout the State. The theory of our government, as I have tried to explain in these chapters, is this: The people of the State in their primal capacity first make a constitution, and in that constitution confer upon the Legislature the right to make laws in pursuance of it; that is, of the general principles which it has laid down. The Legislature, unable to look after the vast multitude of

details involved in the government of millions of people, confers a part of this power upon smaller bodies, like boards of supervisors, township boards, and city councils, and to a lesser extent upon all boards and organizations which have their own rules to make. As referred to cities, the special exercise of this power by the Legislature is in the shape of charters, which are in theory the grant or surrender to a city of a part of the law-making power which it primarily has a right to exercise. Sometimes in the case of larger cities, like New York for instance, the Legislature has exercised this power directly over the city on grounds of public policy and safety. Our own Legislature has on several occasions taken direct part in the government of the city of Detroit.

There is no question about the right of the Legislature to exercise this power, and these instances illustrate the theory and working of our political system. As a general rule the government of our cities in Michigan, as in other States, has been under special charter; that is, under a special act of the Legislature conferring upon the city named the right to exercise the necessary functions of local self-government, not conflicting with other State laws, and this charter in its definitions and limitations, is to the city council what the Constitution of the State is to the Legislature. The city council, composed of aldermen from the different wards, with the mayor and clerk, is the little legislature or law-making power of the city, as the board of supervisors is of the county. The State Legislature in its wisdom and discretion may also confer this power by wholesale, so to speak; and so we have in this State a general law under which cities

and villages may be incorporated. What we mean by the incorporation of a city is to give it — that is, the people within its bounds — a legal body, a name in law, and a right to a distinctive political existence. In city government everything must be done under the charter. The charter is to the city what the Constitution is to the State. A law passed by the Legislature which is in conflict with the Constitution will be set aside by the courts. So an ordinance passed by the city council which is unauthorized by or in conflict with the charter, will not hold in law.

### THE MAYOR AND COMMON COUNCIL — CITY AND VILLAGE OFFICERS.

In these special charters for cities there is only general uniformity. Hardly any two are exactly alike. This is because different cities have different interests and different notions of what they need, and these, of course, are provided for in their charters. Still they all have the same general features, and follow the analogies and methods of our system of government. Every city has its mayor and common council. The mayor, as everybody knows, is the chief executive officer of the city, and performs the duties which belong to that office. Besides his duties which are recognized by law, are many others of a ceremonial or ornamental character, such as presiding at public meetings, receiving delegations, speeches of welcome, etc., which fall to him as the public representative of the city. His salary is various, but never, so far as I know, in proportion to the time spent in the discharge of his duties. He is paid by his honors. One of the chief duties of the mayor is to preside at all meetings

of the common council, which, as I have already said, is composed of two aldermen from each ward of the city, generally elected for two years, half of them each alternate year. The council is the law-making power of the city, and the mayor has his veto and his vote in a tie, the same as other legislative presiding officers.

With the mayor and aldermen there are usually elected on the general city ticket a clerk, treasurer, or collector, recorder, or police judge, four constables, and justices of the peace. The common council, also, under most of the charters, appoints a city attorney, city physician, surveyor, or engineer, marshal, or chief of police, police clerk, chief of fire department, weigh masters, sidewalk inspectors, and other minor officers. Besides the aldermen there is elected in each ward a supervisor, who is the assessor, and sits on the board of supervisors for the county. As the duties of all these officers are so plainly indicated in their titles, and so nearly like those of the corresponding officers of the county or township, it will be unnecessary for me to go into any particular discussion or description of them.

Nor will it be necessary for me to speak at any length of the government of villages or of village officers. These, as I have said, are copies of the cities, are also incorporated, and have their charters; though, as their populations are smaller their governments are less complicated and much simpler in their operation. The offices usually are president, clerk, treasurer, marshal, street commissioner, assessor, and constables. The president and trustees compose the village council, which attends to the affairs of the village under the charter the same as a city council.

CORRUPTION OF CITIES A GREAT DANGER TO LIBERTY.

There is nothing in this general outline of the government of cities and villages to criticise So far as I can see, these legal provisions are just and wise. There is no fault with the law. And yet the fact is, as I have already indicated, that city government in the United States has become a public scandal and a serious menace to public liberty and the maintenance of our free institutions. The police power and the taxing power seem to be most perverted and abused. In many, if not in most of the large cities of the country, the police seem to be in league with the saloon, which is itself the fountain head of lawlessness, disorder, and crime. Taxation in the hands of ignorant and bribe-taking aldermen has been carried to the point of public extortion and plunder. The people of these cities groan under mountains of debt. Municipal corruption stalks abroad at noonday. The great city papers from day to day teem with sensational accounts of all this. What to do with this state of things, is a question which is puzzling our patriotic statesmen and our political thinkers and philosophers. There is no doubt that our large cities are the black spots and the dangerous spots in our political system. They are the headquarters of vice, of lawlessness, and corruption; and if this country loses its liberty, it will be in the cities that our mighty and splendid political system will first begin to crumble and give way.

# THE MONROE DOCTRINE.

## What It Is — Its Origin and Principles — The Conditions of Its Application.

This article was originally written for the Detroit *Free Press* in 1896, during the controversy over the Venezuela boundary case, now happily settled by arbitration. It is inserted here to give the reader some knowledge of a famous piece of what is called "unwritten law," by which our nation has bound itself to be governed in its dealings with other nations. Written in a discussion over a particular case for its proposed application, it has been left entirely unchanged, as thus best calculated to illustrate the real meaning of the Monroe doctrine in practice.

A crisis in the long-pending boundary-line dispute between Great Britain and Venezuela, and our relation to it, has, during the past two months, precipitated a broad newspaper and popular discussion of what is called the Monroe doctrine. As was perhaps very natural, that discussion has been somewhat superficial and heated, abounding in effervescent patriotism, excited speech, and hasty conclusion. An appeal has been made to the war spirit, always so easily stirred in a race which has inherited so much martial glory, and in the breasts of whose ancestors the warlike fire and instinct have glowed for a thousand years. The attempt has also been made to stir anew the old national prejudice against England, which, while essentially unnatural, has much of excuse in the aggressive selfishness which has come to be a world-recognized characteristic of that great nation. It is probable, indeed, that sympathy for Venezuela, a small and comparatively helpless republic, now threatened with the traditional rapacity of a powerful government,

is the real and animating cause of the wide and universal interest over this question which has prevailed among our people. But now that the first intensity of the discussion has spent itself, and the appointment of a commission to ascertain the true boundary between the two nations has allayed the public excitement, it may be well to improve this returning calm by a brief but careful and less heated survey of the whole question.

### WHAT IT IS — ITS ORIGIN AND HISTORY.

What then is the Monroe doctrine, and what are the conditions of its application? The best answer to this question is to be found by a reference to the circumstances of its origin. I can not discuss the question here at any length at all, but with all this excitement and confusion of tongues the matter is really a very simple one, and the history being comparatively recent it is not difficult to get at the truth. Even a very short examination will suffice to show us that the Monroe doctrine is not technically in any sense a part or principle of international law,— not having received the necessary assent of the nations to put it in that great body of jurisprudence,— but rather a broad, patriotic declaration of a national policy, or principle of action. As such it has received the sanction of all our presidents and statesmen since its promulgation, and has become almost as much a part of our patriotic American life as the Declaration of Independence or the Constitution itself. But like the Declaratior the Constitution — like all great things of the k this national doctrine sprang out of a historic e:

The time when it was announced by P Monroe in his famous message of

the point of highest reaction in Europe from the French Revolution and the liberal despotism — if I may use a seeming paradox — of the Napoleonic empire which followed. That empire had gone down in utter and final defeat at Waterloo; the Bourbons had been reseated upon the throne of France by the combined strength of monarchical Europe, and the great plebeian emperor had just fretted out his life on the lonely rock of St. Helena. Three of the nations which had helped to accomplish all this — Russia, Prussia, and Austria, the very nations that had overthrown Kosciusko and divided and plundered Poland, and which aferward crushed out Kossuth and Hungary — had banded together under the strange appellation of the "holy alliance," to do the unholy work of tyranny in Europe. To these nations had afterward been added England and France, the whole now known as the "allied powers" of Europe. The avowed object of this formidable combination was to assist each other in trampling out the sparks of popular revolt and sustaining the cause of kingly tyranny. It was the day of absolutism in government. It was the darkness before the dawn of modern constitutional government in Europe in the new French revolution which overthrew Charles X in 1830 and which was followed by the continental revolutions of 1848.

### THE "HOLY ALLIANCE."

This "holy alliance" had already trampled out a popular revolt in Naples and another in Spain. It now turned its eyes toward the Western Hemisphere and proposed a startling and gigantic crusade in behalf of its principles and purposes of absolutism. Spain, once the leading power of Europe, had fallen into a decline,

and the rich colonies in South America, with which she had been dowered by the genius of Columbus, following our own example, had thrown off her dominion and conquered their independence. In effecting this revolution they had received our sympathy and won our acknowledgment of sovereignty. The projected unholy enterprise of the combined European tyrants was now to reduce them again to Spanish subjection. England, to her honor, drew back, remembering, no doubt, her own long struggles for constitutional liberty.

It was in the face of this great menace and peril that President Monroe, on the advice of his cabinet, and of the venerable ex-presidents, Jefferson and Madison, announced in his message to Congress the position which this country would take in the crisis. The imminent occasion was the threatened overrunning of one of the continents of our Western Hemisphere by the monarchical absolutism of the old world and the subjection of the new republic to the divine right of kings. After reciting the danger, President Monroe went on to say: "We owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies of dependencies of any European power we have not interfered, and shall not interfere; but with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny,

by any European power, in any other light than a manifestation of an unfriendly disposition toward the United States." Again in the same message: "The American continents, by the free and independent conditions which they have assumed and maintained, are henceforth not to be considered as subject to future colonization by any European powers."

### THE GIST AND HEART OF THE DOCTRINE.

This is the very gist and heart of the Monroe doctrine, and we need look no further. No propagation of absolute monarchy on this continent by colonization; no supplanting by force of republican governments in this hemisphere by such monarchies; no interference by force, or otherwise, with republican governments on either of these continents in order to extend their "system" of absolutism anywhere. The glory which belongs to this noble stand against European tyranny and this patriotic and courageous declaration of American policy must be shared, in my judgment, about equally between James Monroe and John Quincy Adams, his secretary of state. To Adams, a learned and accomplished statesman, experienced in the schools of European diplomacy, must probably be accorded the credit, on all the testimony, of having originated the idea; to Monroe, less learned and accomplished, but of equal good sense and patriotism, must be given the lasting honor of its cheerful adoption. It is the historic custom of the heads of government, having the power and the responsibility, to adopt the suggestions, and even the language of their subordinates, and thus often to give their names to great measures of state. For this reason and in this way it is proper for us to

call this great American declaration the "Monroe doctrine."

THE PRINCIPLE OF ITS APPLICATION.

Where and in what cases does this doctrine apply? In a very large sense this question is already answered. Its language is so clear, in the light of the circumstances out of which it grew, that there is little need for mistake. The most conspicuous instance where it has been applied was the case of Mexico. When Louis Napoleon, taking the mean advantage of the entire absorption of our national energies in the Civil war, overthrew, with French bayonets, the republican government of Mexico and installed a European tyrant, he had accomplished what the "holy alliance" had not dared to do in the face of the vigorous protest of our young republic of 1823. But when Lee surrendered, and our hands were disengaged, Mr. Seward told Napoleon that his army must get out of Mexico, and our government followed the notification by sending the gallant Sheridan with a force of United States troops to our southwestern borders on the line of the Rio Grande. The archtyrant and conspirator did not wait for more, but withdrew the French army; the ephemeral throne of Maximilian fell, and that deluded and unfortunate prince was publicly shot by the restored Mexican authorities. This was a case of the application of the Monroe doctrine in its fullest strength and scope. There have been numerous other instances, where in one way or another, it has been applied or respected, but I have not room here to go into particulars.

In the cases of Cuba and Venezuela, now occupying such wide attention, where it is proposed to again apply the doctrine, it ought not to be difficult for us to

see our way clearly. In the improbable event that Cuba should win her independence and the attempt should be made to reduce her again to Spanish subjection, then would be the clearest case for the application of the doctrine. If Spain should propose to sell Cuba to some despotic government, like Russia for instance, it would probably be a case for our interference under the letter, if not the spirit, of the Monroe doctrine. Whether we should buy the island ourselves is another and an outside question. That would depend upon whether we desire territorial expansion like Rome — and perhaps to die of our expansion, and riches, and corruption, as Rome did.

I can only have a word to say of the case of Venezuela, although that is the origin and exact point of all the discussion and excitement over this question. The test of our right to interfere in any case is, to use the exact language of President Monroe, that the proposed action of a foreign power "should extend their political system to any portion of either continent," and thus "endanger our peace and happiness." With a mere boundary dispute between Great Britain and Venezuela, or any other South American government, we could have nothing to do unless the claim of Great Britain threatened not only the territorial integrity but the political autonomy of the weaker power. Not even in a case of war over such a dispute could we take sides unless the strong monarchy threatened to subvert the government of the weak and helpless republic, and thus to "extend its political system to this hemisphere." It follows, therefore, that our governmental action must not turn upon sympathy for Venezuela, however natural and well founded that sympathy may

be. We must adhere to that other great unwritten but hallowed law of national policy handed down to us by Washington in his farewell address, not to "intermeddle in the affairs of other nations."

On the other hand, if our government has discovered through the channels of diplomacy, hid from the public view, a purpose on the part of England to push this claim, or encroachment, to a subversion of the Venezuelan state, and the absorption of her territory,— and her persistent refusal to arbitrate lends some countenance to this view,— then President Cleveland's ringing and patriotic message was amply justified as a warning shot across her bows. The place to begin the defense of the castle is at the outer gate. We do not need to wait until our assailants have penetrated to the threshold. But the addition of a few acres or miles, more or less, to British Guiana, would not "endanger our safety," so as to be a just cause for war. The Monroe doctrine expressly disclaims any interference with foreign colonial possessions on this hemisphere. British Guiana has never disturbed us in the past, and is not likely to in the future. Nor is Canada, the great colonial dependence of England, herself, on our own borders, regarded as any menace to our future peace and safety. Even with Dom Pedro, the Brazilian emperor, our relations were always unusually peaceful and pleasant. I am not here criticising the administration or Congress. I have the utmost confidence in the sturdy and conscientious patriotism of President Cleveland, and in his courage to do the right thing, as he shall see it. Perhaps, with his wider outlook, he has already seen it in this case, and has done well to call a halt.

HAS SERVED A GREAT PURPOSE.

At all events, this fresh and vigorous announcement of the Monroe doctrine, in all its fullness, will do no harm. This doctrine has already served a great purpose in the past. Under it we have grown to national greatness. We have become so great and powerful, indeed, that the danger which Jefferson and Madison, and Monroe and Adams saw has been greatly lessened if it has not entirely disappeared. England encouraged the announcement of this doctrine at the outset, and her eloquent prime minister, Canning, then uttered his famous boast in Parliament: "I have called the New World to redress the balance of the Old." After the flurry of popular excitement and the delays of diplomacy shall have been passed, she will respect it still. She will arbitrate, or come to an agreement with Venezuela. There will be no war. The very thought of such a catastrophe to the Christian civilization of this age is almost unspeakable. And if England does not, no other nation will, disturb us. There are but two absolute monarchies in Europe to-day, and there is not a king, or queen, or emperor, now left on all this great Western Hemisphere. It will be the crowning consummation and glory of the Monroe doctrine for our great republic to stand guard forever over the New World which Columbus discovered, and maintain it for the chosen home of liberty and free government among men.

# APPENDIX.

## DECLARATION OF INDEPENDENCE.

### Unanimously Passed by the Congress of the Thirteen United States of America, July 4, 1776.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed, and that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right — it is their duty — to throw off such government, and to provide new guards for their future security. Such has been the patient suf-

ferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world: —

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended he has utterly neglected to attend to them. He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the Legislature — a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into a compliance with his measures.

He has dissolved representative houses repeatedly for opposing with manly firmness his invasion on the rights of the people.

He has refused for a long time after such dissolutions to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States, for that purpose obstructing the laws for the naturalization of foreigners, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of land.

He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

He has kept among us, in time of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws, giving his assent to their acts of pretended legislation: —

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States;

For cutting off our trade with all parts of the world;

For imposing taxes on us without our consent;

For depriving us, in many cases, of the benefit of trial by jury;

For transporting us beyond seas to be tried for pretended offenses;

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince whose charac-

ter is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice, and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is and ought to be, totally dissolved, and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK.

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

| | Name. | Colony. | Occupation. | Born. | Died. |
|---|---|---|---|---|---|
| 1 | John Adams | Massachusetts Bay | Lawyer | 1735 | 1826 |
| 2 | Samuel Adams | Massachusetts Bay | Merchant | 1722 | 1803 |
| 3 | Josiah Bartlett | New Hampshire | Physician | 1729 | 1795 |
| 4 | Carter Braxton | Virginia | Planter | 1736 | 1797 |
| 5 | Charles Carroll | Maryland | Lawyer | 1737 | 1832 |
| 6 | Samuel Chase | Maryland | Lawyer | 1741 | 1811 |
| 7 | Abraham Clark | New Jersey | Lawyer | 1726 | 1794 |
| 8 | George Clymer | Pennsylvania | Merchant | 1739 | 1813 |
| 9 | William Ellery | Rhode Island, etc. | Lawyer | 1727 | 1820 |
| 10 | William Floyd | New York | Farmer | 1734 | 1821 |

SIGNERS.—CONTINUED.

| — | Name. | Colony. | Occupation. | Born. | Died. |
|---|---|---|---|---|---|
| 11 | Benjamin Franklin | Pennsylvania | Printer | 1706 | 1790 |
| 12 | Elbridge Gerry | Massachusetts Bay | Merchant | 1744 | 1814 |
| 13 | Button Gwinnett | Georgia | Merchant | 1732 | 1777 |
| 14 | Lyman Hall | Georgia | Physician | 1725 | 1790 |
| 15 | John Hancock | Massachusetts Bay | Merchant | 1737 | 1793 |
| 16 | Benjamin Harrison | Virginia | Farmer | 1740 | 1791 |
| 17 | John Hart | New Jersey | Farmer | 1708 | 1780 |
| 18 | Joseph Hewes | North Carolina | Merchant | 1730 | 1779 |
| 19 | Thomas Heyward, Jr. | South Carolina | Lawyer | 1746 | 1809 |
| 20 | William Hooper | North Carolina | Lawyer | 1742 | 1790 |
| 21 | Stephen Hopkins | Rhode Island, etc. | Farmer | 1707 | 1785 |
| 22 | Francis Hopkinson | New Jersey | Lawyer | 1737 | 1791 |
| 23 | Samuel Huntington | Connecticut | Lawyer | 1731 | 1796 |
| 24 | Thomas Jefferson | Virginia | Lawyer | 1743 | 1826 |
| 25 | Francis Lightfoot Lee | Virginia | Farmer | 1734 | 1797 |
| 26 | Richard Henry Lee | Virginia | Statesman | 1732 | 1794 |
| 27 | Francis Lewis | New York | Merchant | 1713 | 1803 |
| 28 | Philip Livingston | New York | Merchant | 1716 | 1778 |
| 29 | Thomas Lynch, Jr. | South Carolina | Lawyer | 1749 | 1779 |
| 30 | Thomas Mc Kean | Delaware | Lawyer | 1734 | 1817 |
| 31 | Arthur Middleton | South Carolina | Planter | 1743 | 1787 |
| 32 | Lewis Morris | New York | Farmer | 1726 | 1798 |
| 33 | Robert Morris | Pennsylvania | Merchant | 1733 | 1806 |
| 34 | John Morton | Pennsylvania | Surveyor | 1724 | 1777 |
| 35 | Thomas Nelson, Jr. | Virginia | Statesman | 1738 | 1789 |
| 36 | William Paca | Maryland | Lawyer | 1740 | 1799 |
| 37 | Robert Treat Paine | Massachusetts Bay | Lawyer | 1731 | 1814 |
| 38 | John Penn | North Carolina | Lawyer | 1741 | 1788 |
| 39 | George Read | Delaware | Lawyer | 1733 | 1798 |
| 40 | Cæsar Rodney | Delaware | General | 1730 | 1783 |
| 41 | George Ross | Pennsylvania | Lawyer | 1730 | 1779 |
| 42 | Benjamin Rush | Pennsylvania | Physician | 1746 | 1813 |
| 43 | Edward Rutledge | South Carolina | Lawyer | 1749 | 1800 |
| 44 | Roger Sherman | Connecticut | Shoemaker | 1721 | 1793 |
| 45 | James Smith | Pennsylvania | Lawyer | 1719 | 1806 |
| 46 | Richard Stockton | New Jersey | Lawyer | 1730 | 1781 |
| 47 | Thomas Stone | Maryland | Lawyer | 1743 | 1787 |
| 48 | George Taylor | Pennsylvania | Foundryman | 1716 | 1781 |
| 49 | Matthew Thornton | New Hampshire | Physician | 1714 | 1803 |
| 50 | George Walton | Georgia | Lawyer | 1740 | 1804 |
| 51 | William Whipple | New Hampshire | Sailor | 1730 | 1785 |
| 52 | William Williams | Connecticut | Statesman | 1731 | 1811 |
| 53 | James Wilson | Pennsylvania | Lawyer | 1742 | 1798 |
| 54 | John Witherspoon | New Jersey | Educator | 1722 | 1794 |
| 55 | Oliver Wolcott | Connecticut | Soldier | 1726 | 1797 |
| 56 | George Wythe | Virginia | Lawyer | 1726 | 1806 |

A convention was held at Charlotte, Mecklenburg County, N. C., May 20, 1775, which announced a Declaration of Independence, severing the people represented by the convention from

their allegiance to the crown of Great Britain. Other accounts give May 31 as the date on which the convention was held.

It was not until the early part of the year 1776 that the idea of independence was seriously entertained throughout the Colonies. In Congress, Friday, June 7, 1776, Richard Henry Lee moved that "these united Colonies are, and of right ought to be, free and independent States, . . . and that a plan or confederation be prepared and transmitted to the respective Colonies for their consideration and approval." This was adopted July 2. The committee to prepare the Declaration of Independence were: Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert B. Livingston. They reported June 28, and the Declaration was adopted unanimously July 4, 1776.

# CONSTITUTION OF THE UNITED STATES.


ARTICLE I.

SECTION

1. Of the Legislative power.
2. House of Representatives; Qualification of members; Apportionment of representatives and direct taxes; Census; First apportionment; Vacancies; Officers of the House; Impeachments.
3. Senate; Classification of senators; Qualifications of; Vice-President to preside; Other officers; Trial of impeachments.
4. Election of members of Congress; Meetings of Congress.
5. Powers of each house; Expulsion of members; Journal; Adjournments.
6. Compensation and privileges; Disabilities of members.
7. Revenue bills; Passage and approval of bills; Orders and resolutions.
8. General powers of Congress.
9. Certain limitations of the powers of Congress.
10. Limitations of the powers of individual States.

ARTICLE II.

1. Of the Executive power; Electors, how and when chosen; Qualification of president; When powers of to devolve upon vice-president; Compensation and oath of president.
2. Powers and duties of president; Making of treaties; Power of appointment.
3. Other powers and duties.
4. Officers liable to impeachment.

ARTICLE III.

1. Of the Judicial power.
2. Extent of the Judicial power; Jurisdiction of the Suprem Court; Trials for crimes.
3. Treason defined; Trial for and punishment.

ARTICLE IV.

1. Effect of public acts, records, etc., of each State.
2. Citizenship; Fugitives from justice and from service to be delivered up.
3. Admission of new States; Power of Congress over territory.
4. Republican form of government guaranteed to the several States; Protection from invasion or domestic violence.

ARTICLE V.

1. How Constitution may be amended.

ARTICLE VI.

1. Of the public debt; Constitution to be supreme law of the land; Constitutional oath of office; Religious test prohibited.

ARTICLE VII.

1. Ratification of Constitution.


## AMENDMENTS.


ARTICLE

1. Religious freedom; Freedom of speech and of the press; Right of petition.
2. Right to bear arms.
3. Quartering of soldiers.
4. Unreasonable searches and seizures; Search warrants.

AMENDMENTS.—CONTINUED.

ARTICLE
5. Rights of persons charged with crimes; Taking of private property.
6. Trials in criminal cases and rights of the accused.
7. Trials by jury in civil cases.
8. Excessive bail, fines, and punishments.
9. Rights of the people.
10. Of powers reserved to the States.
11. Extent of Judicial powers.
12. Manner of electing president and vice-president; Qualification of vice-president.
13. Prohibition of slavery.
14. Citizenship; Security of persons and property; Apportionment of representatives; Who prohibited from holding office; Validity of the public debt; What obligations to be void.
15. Rights of citizens to vote.

## PREAMBLE.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

## ARTICLE I.

### SECTION I.

[1] All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### SECTION II.

[1] The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

[2] No person shall be a representative who shall not have attained to the age of twenty-five years, and has been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen

[3] Representatives and direct taxes shall be apportioned among the several States which may be included within this

Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

[4] When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

[5] The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION III.

[1] The Senate of the United States shall be composed of two senators from each State, chosen by the Legislature thereof, for six years; and each senator shall have one vote.

[2] Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year; so that one third may be chosen every second year: and if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

[3] No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

[4] The vice-president of the United States shall be president

of the Senate, but shall have no vote unless they be equally divided.

[5] The Senate shall choose their other officers, also a president *pro tempore* in the absence of the vice-president, or when he shall exercise the office of president of the United States.

[6] The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

[7] Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

SECTION IV.

[1] The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

[2] The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

[1] Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

[2] Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

[3] Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

[4] Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.

[1] The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest, during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

[2] No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SECTION VII.

[1] All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

[2] Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the president of the United States. If he approve, he shall sign it; but if not, he shall return it with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two thirds of that house shall agree to pass the bill it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as

if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

[3] Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him shall be re-passed by two thirds of the Senate and the House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The Congress shall have power:—

[1] To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

[2] To borrow money on the credit of the United States;

[3] To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

[4] To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States;

[5] To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

[6] To provide for the punishment of counterfeiting the securities and current coin of the United States;

[7] To establish post offices and post-roads;

[8] To promote the progress of science and useful arts, by securing for limited times to authors and inventors, the exclusive right to their respective writings and discoveries;

[9] To constitute tribunals inferior to the Supreme Court; to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

[10] To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

[11] To raise and support armies, but no appropriation of money o that use shall be for a longer term than two years;

[12] To provide and maintain a navy;

[13] To make rules for the government and regulation of the land and naval forces;

[14] To provide for calling forth the militia to execute the laws *of the Union,* suppress insurrections, and repel invasions;

[15] To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

[16] To exercise exclusive legislation in all cases whatsoever over such district, not exceeding ten miles square, as may, by cession, of particular States, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, and,

[17] To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECTION IX

[1] The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

[2] The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

[3] No bill of attainder, or *ex post facto* law, shall be passed.

[4] No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

[5] No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

[6] No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

[7] No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them

shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SECTION X.

[1] No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money, emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

[2] No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State, on imports or exports shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II.

SECTION I.

[1] The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected as follows:—

[2] Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the State may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[3] (This paragraph is annulled by Article XII of the Amendments.)

[4] The Congress may determine the time of choosing the electors, and the day on which they shall give their votes: which day shall be the same throughout the United States.

[5] No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

[6] In case of the removal of the president from office, or of the death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall act as president, and such officer shall act accordingly, until the disability be removed or a president shall be elected.

[7] The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

[8] Before he enters on the execution of his office, he shall take the following oath or affirmation: —

"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECTION II.

[1] The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

[2] He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be estab-

lished by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

[3] The president shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SECTION III.

[1] He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States

SECTION IV.

[1] The president, vice-president, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

## ARTICLE III.

SECTION I.

[1] The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION II.

[1] The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime juris-

diction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State or the citizens thereof, and foreign States, citizens, or subjects.

[2] In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

[3] The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

[1] Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

[2] The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

## ARTICLE IV.

SECTION I.

[1] Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II.

[1] The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

[2] A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State

from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

[3] No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

[1] New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

[2] The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

SECTION IV.

[1] The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature or of the executive, when the Legislature can not be convened, against domestic violence.

## ARTICLE V.

[1] The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution; or on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI.

[1] All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

[2] This Constitution, and the laws of the United States, which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges, in every State, shall be bound thereby: anything in the constitution or laws of any State to the contrary notwithstanding.

[3] The senators and representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII.

[1] The ratification of the conventions of nine States shall be sufficient for the establishment of the Constitution between the States so ratifying the same.

Done in convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth.

In witness whereof we have hereunto subscribed our names.

GEO. WASHINGTON —
*President and deputy from Virginia*

*New Hampshire.*
JOHN LANGDON,
NICHOLAS GILMAN.

*Massachusetts.*
NATHANIEL GORMAN,
RUFUS KING.

*New Jersey.*
WIL: LIVINGSTON,
DAVID BREARLY,
WM. PATTERSON,
JONA: DAYTON.

*Connecticut.*
WM. SAML. JOHNSON,
ROGER SHERMAN.

*New York.*
ALEXANDER HAMILTON.

*Maryland.*
JAMES M'HENRY,
DAN: OF ST. TF'
DANL. CARR'

*Pennsylvania.*
B. FRANKLIN,
THOMAS MIFFLIN,
ROBT. MORRIS,
GEO: CLYMER,
THO: FITZSIMMONS,
JARED INGERSOLL,
JAMES WILSON,
GOUV: MORRIS.

*Delaware.*
GEO: READ,
GUNNING BEDFORD, JUN'R,
JOHN DICKINSON,
RICHARD BASSETT,
JACO: BROOM.

*Virginia.*
JOHN BLAIR,
JAMES MADISON, JR.

*North Carolina.*
WM. BLOUNT,
RICH'D DOBBS SPAIGHT,
HU: WILLIAMSON.

*South Carolina.*
J. RUTLEDGE,
CHARLES COTESWORTH PINCKNEY,
CHARLES PINCKNEY,
PIERCE BUTLER.

*Georgia.*
WILLIAM FEW,
ABR. BALDWIN.

Attest: WILLIAM JACKSON, *Secretary.*

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## AMENDMENTS.

**The following amendments, from Articles 1 to 10 inclusive, were proposed at the first session of the first Congress of the United States, which was begun and held at the city of New York, on the 4th of March, 1789, and were adopted by the requisite number of States, as follows: New Jersey, Nov. 20, 1789; Maryland, Dec. 19, 1789; North Carolina, Dec. 22, 1789, South Carolina, Jan. 19, 1790; New Hampshire, Jan. 25, 1790; Delaware, Jan. 28, 1790; Pennsylvania, March 10, 1790; New York, March 27, 1790; Rhode Island, June 15, 1790; Vermont, Nov. 3, 1791, and Virginia, Dec. 15, 1791.**

Congress of the United States, begun and held at the city of New York, on Wednesday, the 4th of March, 1789. The conventions of a number of the States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added; and as extending the ground of public confidence in the government, will best insure the beneficent ends of its institution:—

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled,* two thirds of both houses concurring, that the following articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all or any of which articles, when ratified

by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, namely:—

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, house, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been commi-

which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.[1]

The judicial powers of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.[2]

[1] The electors shall meet in their respective States, and vote by ballot for president and vice-president, one of whom, at least,

[1] Proposed at the second session of the Third Congress, on the 5th of September, 1794; and was declared in a message from the president to Congress, dated the 8th of January, 1798, to have been ratified by the Legislatures of three fourths of the States.

[2] Proposed at the first session of the Eighth Congress, on the 12th of December, 1803, in lieu of the original third paragraph of the first section of the second article; and was declared in a proclamation of the secretary of state, dated the 25th of September, 1804, to have been ratified by the Legislatures of three fourths of the States.

shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate; the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the House of Representatives shall choose immediately, by ballot, the president. But, in choosing the president, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in case of the death or other constitutional disability of the president.

[2] The person having the greatest number of votes as vice-president shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the vice-president; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

[3] But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.

## ARTICLE XIII.[1]

[1] Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly con-

[1] Proposed at the second session of the Thirty-eighth Co the 1st of February, 1865, and was declared in a proclamatior

victed, shall exist within the United States, or any place subject to their jurisdiction.

[2] Congress shall have power to enforce this article by appropriate legislation.

## ARTICLE XIV.[1]

[1] All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

[2] Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one

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retary of state, dated the 18th of December, 1865, to have been ratified by the Legislatures of twenty-seven of the thirty-six States; viz., Illinois Rhode Island, Michigan, Maryland, New York, West Virginia, Maine, Kansas, Massachusetts, Pennsylvania, Virginia, Ohio, Missouri, Nevada, Indiana, Louisiana, Minnesota, Wisconsin, Vermont, Tennessee, Arkansas, Connecticut, New Hampshire, South Carolina, Alabama, North Carolina, and Georgia.

[1]Proposed at the first session of the Thirty-ninth Congress, on the 16th of June, 1866. On the 21st of July, 1878, Congress adopted a concurrent resolution, declaring that "the Legislatures of the States of Connecticut, Tennessee, New Jersey, Oregon, Vermont, New York, Ohio, Illinois, West Virginia, Kansas, Maine, Nevada, Missouri, Indiana, Minnesota, New Hampshire, Massachusetts, Nebraska, Iowa, Arkansas, Florida, North Carolina, Alabama, South Carolina, and Louisiana, being three fourths and more of the several States of the Union, have ratified the fourteenth article of Amendment to the Constitution of the United States, duly proposed by two thirds of each house of the Thirty-ninth Congress; therefore,

"*Resolved*, That said fourteenth article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such by the secretary of state." The secretary of state accordingly issued a proclamation dated the 28th of July, 1868, declaring that the proposed Fourteenth Amendment had been ratified by the Legislatures of thirty of the thirty-six States.

years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

[3] No person shall be a senator or representative in Congress, or elector of president and vice-president, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each house, remove such disability.

[4] The validity of the public debt of the United States, authorized by law, including debts incurred for payments of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, but all such debts, obligations, and claims shall be held illegal and void.

[5] The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

## ARTICLE XV.[1]

[1] The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

[2] The Congress shall have power to enforce this article by appropriate legislation.

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[1] Proposed at the first session of the Fortieth Congress, on the 27th of February, 1869, and was declared in a proclamation of the secretary of state, dated March 30, 1870, to have been ratified by the Legislatures of twenty-nine of the thirty-seven States.

# CONSTITUTION OF THE STATE OF MICHIGAN.

(Annotated to Sept. 1, 1892.)

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THE PEOPLE OF THE STATE OF MICHIGAN DO ORDAIN THIS CONSTITUTION.

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## ARTICLE I.

The State of Michigan consists of and has jurisdiction over the territory embraced within the following boundaries, to wit: Commencing at a point on the eastern boundary line of the State

of Indiana where a direct line drawn from the southern extremity of Lake Michigan to the most northerly cape of the Maumee Bay, shall intersect the same — said point being the northwest corner of the State of Ohio, as established by act of Congress entitled, "An Act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed," approved June fifteenth, one thousand eight hundred and thirty-six; thence with the said boundary line of the State of Ohio till it intersects the boundary line between the United States and Canada in Lake Erie; thence with said boundary line between the United States and Canada through the Detroit River, Lake Huron and Lake Superior to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior to the mouth of the Montreal River; thence through the middle of the main channel of the said River Montreal to the head waters thereof; thence in a direct line to the center of the channel between Middle and South Islands in the Lake of the Desert; thence in a direct line to the southern shore of Lake Brulé; thence along said southern shore and down the River Brulé to the main channel of the Menominee River; thence down the center of the main channel of the same to the center of the most usual ship channel of the Green Bay of Lake Michigan; thence through the center of the most usual ship channel of the said bay to the middle of Lake Michigan; thence through the middle of Lake Michigan to the northern boundary of the State of Indiana, as that line was established by the act of Congress of the nineteenth of April, eighteen hundred and sixteen; thence due east with the north boundary line of the said State of Indiana to the northeast corner thereof; and thence south with the eastern boundary line of Indiana to the place of beginning.

## ARTICLE II.

SECTION 1. The seat of government shall be at Lansin- where it is now established.

## ARTICLE III.

SECTION 1. The powers of government are divide three departments: The Legislative, Executive, and J

SEC. 2. No person belonging to one department sh cise the powers properly belonging to another, excep cases expressly provided in this Constitution.

## ARTICLE IV.

SECTION 1. The Legislative power is vested in a Senate and House of Representatives.

SEC. 2. The Senate shall consist of thirty-two members. Senators shall be elected for two years, and by single districts. Such districts shall be numbered from one to thirty-two, inclusive; each of which shall choose one senator. No county shall be divided in the formation of Senate districts, except such county shall be equitably entitled to two or more senators.

[1] SEC. 3. The House of Representatives shall consist of not less than sixty-four, nor more than one hundred, members. Representatives shall be chosen for two years, and by single districts. Each representative district shall contain, as nearly as may be, an equal number of inhabitants, exclusive of persons of Indian descent, who are not civilized, or are members of any tribe, and shall consist of convenient and contiguous territory; but no township or city shall be divided in the formation of a representative district. When any township or city shall contain a population which entitles it to more than one representative, then such township or city shall elect, by general ticket, the number of representatives to which it is entitled. Each county hereafter organized, with such territory as may be attached thereto, shall be entitled to a separate representative, when it has attained a population equal to a moiety of the ratio of representation. In every county entitled to more than one representative, the board of supervisors shall assemble at such time and place as the Legislature shall prescribe, and divide the same into representative districts, equal to the number of representatives to which such county is entitled by law, and shall cause to be filed in the offices of the secretary of state and clerk of such county, a description of such representative districts, specifying the number of each district and population thereof, according to the last preceding enumeration.

[2] SEC. 4. The Legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and fifty-four, and every ten years thereafter; and at the first session after each enumeration so made, and also at the first session

[1] As amended by Joint Resolution 42, Laws of 1869, p. 425. Ratified, election of 1870.

[2] As amended by Joint Resolution 42, Laws of 1869, p. 425. Ratified, election of 1870.

after each enumeration by the authority of the United States, the Legislature shall rearrange the Senate districts and apportion anew the representatives among the counties and districts, according to the number of inhabitants, exclusive of persons of Indian descent who are not civilized, or are members of any tribe. Each apportionment, and the division into representative districts by any board of supervisors shall remain unaltered until the return of another enumeration.

SEC. 5. Senators and representatives shall be citizens of the United States, and qualified electors in the respective counties and districts which they represent. A removal from their respective counties or districts shall be deemed a vacation of their office.

SEC. 6. No person holding any office under the United States or any county office, except notaries public, officers of the militia, and officers elected by townships, shall be eligible to or have a seat in either house of the Legislature; and all votes given for any such person shall be void.

SEC. 7. Senators and representatives shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest. They shall not be subject to any civil process during the session of the Legislature, or for fifteen days next before the commencement and after the termination of each session. They shall not be questioned in any other place for any speech in either house.

SEC. 8. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may prescribe.

SEC. 9. Each house shall choose its own officers, determine the rules of its proceedings, and judge of the qualifications, elections, and returns of its members; and may, with the concurrence of two-thirds of all the members elected, expel a member. No member shall be expelled a second time for the same cause, nor for any cause known to his constituents antecedent to his election. The reason for such expulsion shall be entered upon the journal, with the names of the members voting on the question.

SEC. 10. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either house on any question shall be entered on the journal at the request of one fifth of he members elected. Any member of either house may dissent

from and protest against any act, proceeding, or resolution which he may deem injurious to any person or the public, and have the reason of his dissent entered on the journal.

SEC. 11. In all elections, by either house, or in joint convention, the votes shall be given *viva voce*. All votes on nominations to the Senate shall be taken by yeas and nays, and published with the journal of its proceedings.

SEC. 12. The doors of each house shall be open, unless the public welfare require secrecy. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the Legislature may then be in session.

SEC. 13. Bills may originate in either house of the Legislature.

SEC. 14. Every bill and concurrent resolution, except of adjournment, passed by the Legislature, shall be presented to the governor before it becomes a law. If he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon their journal, and reconsider it. On such reconsideration, if two thirds of the members elected agree to pass the bill, it shall be sent with the objections to the other house, by which it shall be reconsidered. If approved by two thirds of the members elected to that house, it shall become a law. In such case the vote of both houses shall be determined by yeas and nays; and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill be not returned by the governor within ten days, Sundays excepted, after it has been presented to him, the same shall become a law in like manner as if he had signed it, unless the Legislature by their adjournment prevent its return, in which case it shall not become a law. The governor may approve, sign, and file in the office of the secretary of state within five days after the adjournment of the Legislature, any act passed during the last five days of the session; and the same shall become a law.

[1] SEC. 15. The compensation of the members of the Legislature shall be three dollars per day for actual attendance, and when absent on account of sickness, but the Legislature may allow extra compensation to the members from the territory of

[1] As amended by Joint Resolution No. 18, Laws of 1859, p. 1105. Ratified, election of 1860.

the Upper Peninsula, not exceeding two dollars per day during the session. When convened in extra session, their compensation shall be three dollars a day for the first twenty days and nothing thereafter; and they shall legislate on no other subjects than those expressly stated in the governor's proclamation, or submitted to them by special message. They shall be entitled to ten cents and no more for every mile actually traveled in going to and returning from the place of meeting, on the usually traveled route; and for stationery and newspapers, not exceeding five dollars for each member during any session. Each member shall be entitled to one copy of the laws, journals, and documents of the Legislature of which he was a member; but shall not receive, at the expense of the State, books, newspapers, or other perquisites of office not expressly authorized by this Constitution.

SEC. 16. The Legislature may provide by law for the payment of postage on all mailable matter received by its members and officers during the sessions of the Legislature, but not on any sent or mailed by them.

SEC. 17. The president of the Senate and the speaker of the House of Representatives shall be entitled to the same per diem compensation and mileage as members of the Legislature, and no more.

SEC. 18. No person elected a member of the Legislature shall receive any civil appointment within this State, or to the Senate of the United States, from the governor, the governor and Senate, from the Legislature, or any other State authority, during the term for which he is elected. All such appointments, and all votes given for any person so elected for any such office or appointment, shall be void. No member of the Legislature shall be interested, directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the time for which he is elected, nor for one year thereafter.

SEC. 19. Every bill and joint resolution shall be read three times in each house, before the final passage thereof. No bill or joint resolution shall become a law without the concurrence of a majority of all the members elected to each house. On the final passage of all bills the vote shall be by yeas and nays, and entered on the journal.

SEC. 20. No law shall embrace more than one object, which shall be expressed in its title. No public act shall take effect or

be in force until the expiration of ninety days from the end of the session at which the same is passed, unless the Legislature shall otherwise direct by a two-thirds vote of the members elected to each house.

SEC. 21. The Legislature shall not grant nor authorize extra compensation to any public officer, agent, or contractor, after the service has been rendered or the contract entered into.

SEC. 22. The Legislature shall provide by law that the furnishing of fuel and stationery for the use of the State, the printing and binding the laws and journals, all blanks, paper, and printing for the executive departments, and all other printing ordered by the Legislature, shall be let by contract to the lowest bidder or bidders, who shall give adequate and satisfactory security for the performance thereof. The Legislature shall prescribe by law the manner in which the State printing shall be executed, and the accounts rendered therefor; and shall prohibit all charges for constructive labor. They shall not rescind nor alter such contract, nor release the person or persons taking the same, or his or their sureties, from the performance of any of the conditions of the contract. No member of the Legislature, nor officer of the State, shall be interested directly or indirectly in any such contract.

SEC. 23. The Legislature shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person; nor vacate nor alter any road laid out by commissioners of highways or any street in any city or village, or in any recorded town plat.

SEC. 24. The Legislature may authorize the employment of a chaplain for the State prison; but no money shall be appropriated for the payment of any religious services in either house of the Legislature.

SEC. 25. No law shall be revised, altered, or amended, by reference to its title only; but the act revised, and the section or sections of the act altered or amended shall be re-enacted and published at length.

SEC. 26. Divorces shall not be granted by the Legislature.

SEC. 27. The Legislature shall not authorize any lottery, nor permit the sale of lottery tickets.

[1]SEC. 28. No new bill shall be introduced into either house

[1] As amended by Joint Resolution No. 18, Laws of 1859, p. 1105. Ratified, election of 1860.

of the Legislature after the first fifty days of the session shall have expired.

SEC. 29. In case of a contested election, the person only shall receive from the State per diem compensation and mileage who is declared to be entitled to a seat by the house in which the contest takes place.

SEC. 30. No collector, holder, nor disburser of public money shall have a seat in the Legislature, or be eligible to any office of trust or profit under this State, until he shall have accounted for and paid over, as provided by law, all sums for which he may be liable.

SEC. 31. The Legislature shall not audit nor allow any private claim or account.

SEC. 32. The Legislature, on the day of final adjournment, shall adjourn at 12 o'clock noon.

[1] SEC. 33. The Legislature shall meet at the seat of government on the first Wednesday in January, in the year one thousand eight hundred and sixty-one, and on the first Wednesday of January in every second year thereafter, and at no other place or time, unless as provided in the Constitution of the State, and shall adjourn without day at such time as the Legislature shall fix by concurrent resolution.

SEC. 34. The election of senators and representatives, pursuant to the provisions of this Constitution, shall be held on the Tuesday succeeding the first Monday of November, in the year one thousand eight hundred and fifty-two, and on the Tuesday succeeding the first Monday in November of every second year thereafter.

SEC. 35. The Legislature shall not establish a State paper. Every newspaper in the State which shall publish all the general laws of any session within forty days of their passage shall be entitled to receive a sum not exceeding fifteen dollars therefor.

SEC. 36. The Legislature shall provide for the speedy publication of all the statute laws of a public nature, and of such judicial decisions as it may deem expedient. All laws and judicial decisions shall be free for publication by any person.

SEC. 37. The Legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy where no provision is made for that purpose in this Constitution.

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[1] As amended by Joint Resolution No. 18, Laws of 1859, p. 1105. Ratified, election of 1860.

SEC. 38. The Legislature may confer upon organized town ships, incorporated cities and villages, and upon the boards of supervisors of the several counties such powers of local legislative and administrative character as they may deem proper.

SEC. 39. The Legislature shall pass no law to prevent any person from worshiping Almighty God according to the dictates of his own conscience, or to compel any person to attend, erect, or support any place of religious worship, or to pay tithes, taxes, or other rates for the support of any minister of the gospel or teacher of religion.

SEC. 40. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary, nor shall property belonging to the State be appropriated for any such purpose.

SEC. 41. The Legislature shall not diminish or enlarge the civil or political rights, privileges, and capacities of any person on account of his opinion or belief concerning matters of religion.

SEC. 42. No law shall ever be passed to restrain or abridge the liberty of speech or of the press; but every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of such right.

SEC. 43. The Legislature shall pass no bill of attainder, *ex post facto* law, or law impairing the obligation of contracts.

SEC. 44. The privilege of the writ of *habeas corpus*, remains and shall not be suspended by the Legislature, except, in case of rebellion or invasion, the public safety require it.

SEC. 45. The assent of two thirds of the members elected to each house of the Legislature shall be requisite to every bill appropriating the public money or property for local or private purposes.

SEC. 46. The Legislature may authorize a trial by a jury of a less number than twelve men.

SEC. 47.[1]——

SEC. 48. The style of the laws shall be "The People of the State of Michigan enact."

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[1] By amendment proposed by the Legislature of 1875, and approved by the people at the general election of 1876, Section 47, Article IV, was stricken out. It prohibited the license of the sale of intoxicating liquors.

## ARTICLE V.

SECTION 1. The executive power is vested in a governor, who shall hold his office for two years. A lieutenant-governor shall be elected for the same term.

SEC. 2. No person shall be eligible to the office of governor or lieutenant-governor who has not been five years a citizen of the United States, and a resident of this State two years next preceding his election; nor shall any person be eligible to either office who has not attained the age of thirty years.

SEC. 3. The governor and lieutenant-governor shall be elected at the times and places of choosing the members of the Legislature. The person having the highest number of votes for governor or lieutenant-governor shall be elected. In case two or more persons shall have an equal and the highest number of votes for governor or lieutenant-governor, the Legislature shall, by joint vote, choose one of such persons.

SEC. 4. The governor shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, to suppress insurrections, and to repel invasion.

SEC. 5. He shall transact all necessary business with officers of government, and may require information, in writing, from the officers of the executive department, upon any subject relating to the duties of their respective offices.

SEC. 6. He shall take care that the laws be faithfully executed.

SEC. 7. He may convene the Legislature on extraordinary occasions.

SEC. 8. He shall give to the Legislature, and at the close of his official term, to the next Legislature, information by message of the condition of the State, and recommend such measures to them as he shall deem expedient.

SEC. 9. He may convene the Legislature at some other place when the seat of government becomes dangerous from disease or a common enemy.

SEC. 10. He shall issue writs of election to fill such vacancies as occur in the Senate or House of Representatives.

SEC. 11. He may grant reprieves, commutations, and pardons after convictions for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to regulations provided by law relative to the manner of applying

for pardons. Upon convictions for treason, he may suspend the execution of the sentence until the case shall be reported to the Legislature at its next session, when the Legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature at each session information of each case of reprieve, commutation, or pardon granted, and the reason therefor.

SEC. 12. In case of the impeachment of the governor, his removal from office, death, inability, resignation, or absence from the State, the powers and duties of the office shall devolve upon the lieutenant-governor, for the residue of the term or until the disability ceases. When the governor shall be out of the State in time of war, at the head of a military force thereof, he shall continue commander-in-chief of all the military force of the State.

SEC. 13. During a vacancy in the office of governor, if the lieutenant-governor die, resign, or be impeached, displaced, be incapable of performing the duties of the office, or absent from the State, the president *pro tempore* of the Senate shall act as governor until the vacancy be filled, or the disability cease.

SEC. 14. The lieutenant-governor shall, by virtue of his office, be president of the Senate. In committee of the whole he may debate all questions; and when there is an equal division, he shall give the casting vote.

SEC. 15. No member of Congress, nor any person holding office under the United States or this State, shall execute the office of governor.

SEC. 16. No person elected governor or lieutenant-governor shall be eligible to any office or appointment from the Legislature or either house thereof, during the time for which he was elected. All votes for either of them for any such office shall be void.

SEC. 17. The lieutenant [governor] and president of the Senate *pro tempore*, when performing the duties of governor shall receive the same compensation as the governor.

SEC. 18. All official acts of the governor, his approval of the law excepted, shall be authenticated by the great seal of the State, which shall be kept by the secretary of state.

SEC. 19. All commissions issued to persons holding office under the provision of this Constitution shall be in the name and by the authority of the people of the State of Michigan, sealed with the great seal of the State, signed by the governor, and countersigned by the secretary of state.

## ARTICLE VI.

SECTION 1. The judicial power is vested in one Supreme Court, in circuit courts, in probate courts, and in justices of the peace. Municipal courts of civil and criminal jurisdiction may be established by the Legislature in cities.

SEC. 2. For the term of six years and thereafter until the Legislature otherwise provide, the judges of the several circuit courts shall be judges of the Supreme Court, four of whom shall constitute a quorum. A concurrence of three shall be necessary to a final decision. After six years the Legislature may provide by law for the organization of a Supreme Court, with the jurisdiction and powers prescribed in this Constitution, to consist of one chief justice and three associate justices, to be chosen by the electors of the State. Such Supreme Court, when so organized, shall not be changed or discontinued by the Legislature for eight years thereafter. The judges thereof shall be so classified that but one of them shall go out of office at the same time. The term of office shall be eight years.

SEC. 3. The Supreme Court shall have a general superintending control over all inferior courts, and shall have power to issue writs of error, *habeas corpus*, *mandamus*, *quo warranto*, *procedendo*, and other original and remedial writs, and to hear, and determine the same. In all other cases it shall have appellate jurisdiction only.

SEC. 4. Four terms of the Supreme Court shall be held annually, at such times and places as may be designated by law.

SEC. 5. The Supreme Court shall by general rules establish, modify, and amend the practice in such court and in the circuit courts, and simplify the same. The Legislature shall, as far as practicable, abolish distinctions between law and equity proceedings. The office of master in chancery is prohibited.

[1] SEC. 6. The State shall be divided into judicial circuits, in each of which the electors thereof shall elect one circuit judge, who shall hold his office for the term of six years, and until his successor is elected and qualified. The Legislature may provide for the election of more than one circuit judge in the judicial circuit in which the city of Detroit is or may be situated, and in

[1] As amended by Joint Resolution No. 11, Public Acts of 1881; No. 15, Public Acts of 1883; No. 11, Public Acts of 1887; and No. 1, Public Acts of 1889. Ratified at elections of April, 1881; November, 1884; November, 1887, and April, 1889.

the judicial circuit in which the county of Saginaw is or may be situated, and in the judicial circuit in which the county of Kent is or may be situated. And the circuit judge or judges of said circuits, in addition to the salary provided by this Constitution, shall receive from their respective counties such additional salary as may from time to time be fixed and determined by the boards of supervisors of said counties. And the board of supervisors of each county in the Upper Peninsula is hereby authorized and empowered to give and pay to the circuit judge of the judicial circuit to which such county is attached such additional salary or compensation as may from time to time be fixed and determined by such board of supervisors.

This section, as amended, shall take effect from the time of its adoption.

SEC. 7. The Legislature may alter the limits of circuits or increase the number of the same. No alteration or increase shall have the effect to remove a judge from office. In every additional circuit established, the judge shall be elected by the electors of such circuit, and his term of office shall continue, as provided in this Constitution for judges of the circuit court.

SEC. 8. The circuit court shall have original jurisdiction in all matters, civil and criminal, not excepted in this Constitution, and not prohibited by law; and appellate jurisdiction from all inferior courts and tribunals, and a supervisory control of the same. They shall also have power to issue writs of *habeas corpus*, *mandamus*, injunction, *quo warranto*, *certiorari*, and other writs necessary to carry into effect their orders, judgments, and decrees, and give them a general control over inferior courts and tribunals within their respective jurisdictions.

SEC. 9. Each of the judges of the circuit court shall receive a salary, payable quarterly. They shall be ineligible to any other than a judicial office during the term for which they are elected, and for one year thereafter. All votes for any person elected such as judge for any office other than judicial, given either by the Legislature or the people, shall be void.

SEC. 10. The Supreme Court may appoint a reporter of its decisions. The decisions of the Supreme Court shall be in writing, and signed by the judges concurring therein. Any judge dissenting therefrom, shall give the reasons for such dissent in writing, under his signature. All such opinions shall be filed in the office of the clerk of the Supreme Court. The judges of the circuit court, within their respective jurisdictions, may

fill vacancies in the office of county clerk and of prosecuting attorney; but no judge of the Supreme Court or circuit court shall exercise any other power of appointment to public office.

SEC. 11. A circuit court shall be held at least twice in each year in every county organized for judicial purposes, and four times in each year in counties containing ten thousand inhabitants. Judges of the circuit court may hold courts for each other, and shall do so when required by law.

[1] SEC. 12. The clerk of each county organized for judicial purposes shall be the clerk of the circuit court of such county. The Supreme Court shall have power to appoint a clerk for such Supreme Court.

SEC. 13. In each of the counties organized for judicial purposes there shall be a court of probate. The judge of such court shall be elected by the electors of the county in which he resides, and shall hold his office for four years, and until his successor is elected and qualified. The jurisdiction, powers, and duties of such court shall be prescribed by law.

SEC. 14. When a vacancy occurs in the office of judge of the Supreme, circuit, or probate court, it shall be filled by appointment of the governor, which shall continue until a successor is elected and qualified. When elected, such successor shall hold his office the residue of the unexpired term.

SEC. 15. The Supreme Court, the circuit and probate courts of each county shall be courts of record, and shall have a common seal.

SEC. 16. The Legislature may provide by law for the election of one or more persons in each organized county, who may be vested with judicial powers, not exceeding those of a judge of the circuit court at chambers.

SEC. 17. There shall be not exceeding four justices of the peace in each organized township. They shall be elected by the electors of the townships, and shall hold their offices for four years and until their successors are elected and qualified. At the first election in any township, they shall be classified as shall be prescribed by law. A justice elected to fill a vacancy shall hold his office for the residue of the unexpired term. The Legislature may increase the number of justices in cities.

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[1] As amended by Joint Resolution No. 5, Laws of 1881, p. 408. Ratified, election April, 1881. See proposed amendment, Joint Resolution No. 30, Laws of 1877, p. 299.

SEC. 18. In civil cases, justices of the peace shall have exclusive jurisdiction to the amount of one hundred dollars, and concurrent jurisdiction to the amount of three hundred dollars, which may be increased to five hundred dollars, with such exceptions and restrictions as may be provided by law. They shall also have such criminal jurisdiction, and perform such duties as shall be prescribed by the Legislature.

SEC. 19. Judges of the Supreme Court, circuit judges, and justices of the peace shall be conservators of the peace within their respective jurisdictions.

SEC. 20. The first election of judges of the circuit courts shall be held on the first Monday in April, one thousand eight hundred and fifty-one, and every sixth year thereafter. Whenever an additional circuit is created, provisions shall be made to hold the subsequent election of such additional judge at the regular elections herein provided.

SEC. 21. The first election of judges of the probate courts shall be held on the Tuesday succeeding the first Monday in November, one thousand eight hundred and fifty-two, and every fourth year thereafter.

SEC. 22. Whenever a judge shall remove beyond the limits of the jurisdiction for which he was elected, or a justice of the peace from the township in which he was elected, or by a change in the boundaries of such township shall be placed without the same, they shall be deemed to have vacated their respective offices.

SEC. 23. The Legislature may establish courts of conciliation with such powers and duties as shall be prescribed by law.

SEC. 24. Any suitor in any court of this State shall have the right to prosecute or defend his suit, either in his own proper person, or by an attorney or agent of his choice.

SEC. 25. In all prosecutions for libels the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted. The jury shall have the right to determine the law and the fact.

SEC. 26. The person, houses, papers, and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation.

SEC. 27. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases, unless demanded by one of the parties in such manner as shall be prescribed by law.

SEC. 28. In every criminal prosecution the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than twelve men in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and have the assistance of counsel for his defense.

SEC. 29. No person, after acquittal upon the merits, shall be tried for the same offense. All persons shall before conviction, be bailable by sufficient sureties, except for murder and treason, when the proof is evident or the presumption great.

SEC. 30. Treason against the State shall consist only in levying war against, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless upon the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 31. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

SEC. 32. No person shall be compelled in any criminal case to be a witness against himself, nor to be deprived of life, liberty, or property, without due process of law.

SEC. 33. No person shall be imprisoned for debt arising out of or founded upon a contract, express or implied, except in cases of fraud or breach of trust, or of moneys collected by public officers, or in any professional employment. No person shall be imprisoned for a militia fine in time of peace.

SEC. 34. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

SEC. 35. The style of all process shall be: "In the name of the people of the State of Michigan."

## ARTICLE VII.

[1] SECTION 1. In all elections, every male citizen, every male inhabitant residing in the State on the 24th day of June, one thousand eight hundred and thirty-five; every male inhabitant

[1] As amended by Joint Resolution No. 26, Laws of 1865, p. 794. Ratified, election of 1866, and also as amended by Joint Resolution No. 42, Laws of 1869, p. 425. Ratified election of 1870.

residing in the Sate on the first day of January, one thousand eight hundred and fifty, who has declared his intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding an election, or who has resided in this State two years and six months, and declared his intention as aforesaid, and every civilized male inhabitant of Indian descent a native of the United States, and not a member of any tribe, shall be an elector and entitled to vote; but no citizen or inhabitant shall be an elector, or entitled to vote at any election, unless he shall be above the age of twenty-one years, and has resided in this State three months, and in the township or ward in which he offers to vote, ten days next preceding such election: *Provided*, That in time of war, insurrection, or rebellion, no qualified elector in the actual military service of the United States, or of this State, in the army or navy thereof, shall be deprived of his vote by reason of his absence from the township, ward, or State in which he resides, and the Legislature shall have the power, and shall provide the manner in which, and the time and place at which, such absent electors may vote, and for the canvass and return of their votes to the township or ward election district in which they respectively reside, or otherwise.

SEC. 2. All votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen.

SEC. 3. Every elector, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during his attendance at election, and in going to and returning from the same.

SEC. 4. No elector shall be obliged to do military duty on the day of election, except in time of war or public danger; or attend court as a suitor or witness.

SEC. 5. No elector shall be deemed to have gained or lost a residence, by reason of his being employed in the service of the United States, or of this State; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum at public expense; nor while confined in any public prison.

SEC. 6. Laws may be passed to preserve the purity of elections, and guard against the abuses of the elective franchise.

SEC. 7. No soldier, seaman, nor marine, in the army or navy of the United States shall be deemed a resident of this State, in

consequence of being stationed in any military or naval place within the same.

SEC. 8. Any inhabitant who may hereafter be engaged in a duel, either as principal or accessory before the fact, shall be disqualified from holding any office under the Constitution and laws of this State, and shall not be permitted to vote at any election.

## ARTICLE VIII.

SECTION 1. There shall be elected at each general biennial election, a secretary of state, a superintendent of public instruction, State treasurer, a commissioner of the land office, an auditor-general, and an attorney-general for the term of two years. They shall keep their office at the seat of government, and shall perform such duties as may be prescribed by law.

SEC. 2. Their term of office shall commence on the first day of January, one thousand eight hundred and fifty-three, and of every second year thereafter.

SEC. 3. Whenever a vacancy shall occur in any of the State offices, the governor shall fill the same by appointment, by and with the advice and consent of the Senate, if in session.

SEC. 4. The secretary of state, State treasurer, and commissioner of the state land office shall constitute a board of State auditors, to examine and adjust all claims against the State not otherwise provided for by the general law. They shall constitute a board of State convassers, to determine the result of all elections for governor, lieutenant-governor, and State officers, and of such other officers as shall by law be referred to them.

SEC. 5. In case two or more persons have an equal and the highest number of votes for any office, as canvassed by the board of State canvassers, the Legislature in joint convention shall choose one of said persons to fill such office. When the determination of the board of State convassers is contested, the Legislature in joint convention shall decide which person is elected.

## ARTICLE IX.

[1] SECTION 1. The governor shall receive an annual salary of four thousand dollars; the judges of the circuit court shall each receive an annual salary of two thousand five hundred dollars; the attorney-general shall receive an annual salary of two thou-

[1] As amended by Join Resolution No, 28, 1881, p. 442, No. 2, 1889, and No. 1, 1891. Ratified at elections of 1882, 1889, and April 6, 1891.

sand five hundred dollars; the secretary of state shall receive an annual salary of eight hundred dollars; the State treasurer shall receive an annual salary of one thousand dollars; the superintendent of public instruction shall receive an annual salary of one thousand dollars; the commissioner of the land office shall receive an annual salary of eight hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their office. It shall not be competent for the Legislature to increase the salaries herein provided.

## ARTICLE X.

SECTION 1. Each organized county shall be a body corporate, with such powers and immunities as shall be established by law. All suits and proceedings by or against a county shall be in the name thereof.

SEC. 2. No organized county shall ever be reduced by the organization of new counties to less than sixteen townships, as surveyed by the United States, unless in pursuance of law a majority of electors residing in each county to be affected thereby shall so decide. The Legislature may organize any city into a separate county when it has attained a population of twenty thousand inhabitants, without reference to geographical extent, when a majority of the electors of a county in which such city may be situated, voting thereon, shall be in favor of a separate organization.

SEC. 3. In each organized county there shall be a sheriff, a county clerk, a county treasurer, a register of deeds, and a prosecuting attorney, chosen by the electors thereof, once in two years, and as often as vacancies shall happen, whose duties and powers shall be prescribed by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office, or disconnect the same.

SEC. 4. The sheriff, county clerk, county treasurer, judge of probate, and register of deeds shall hold their offices at the county seat.

SEC. 5. The sheriff shall hold no other office, and shall be incapable of holding the office of sheriff longer than four in a period of six years. He may be required by law to renew his security from time to time, and in default of giving such security his office shall be deemed vacant. The county shall never be responsible for his acts.

SEC. 6. A board of supervisors, consisting of one from each

organized township, shall be established in each county, with such powers as shall be prescribed by law.

SEC. 7. Cities shall have such representation in the board of supervisors of the counties in which they may be situated, as the Legislature may direct.

SEC. 8. No county seat once established shall be removed until the place to which it is proposed to be removed shall be designated by two thirds of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law.

SEC. 9. The board of supervisors of any county may borrow or raise by tax one thousand dollars, for constructing or repairing public buildings, highways, or bridges; but no greater sum shall be borrowed or raised by tax for such purposes in any one year unless authorized by a majority of the electors of such county voting thereon.

SEC. 10. The board of supervisors, or in the county of Wayne, the board of county auditors, shall have the exclusive power to prescribe and fix the compensation for all services rendered for, and to adjust all claims against their respective counties, and the sum so fixed or defined shall be subject to no appeal.

SEC. 11. The board of supervisors of each organized county may provide for laying out highways, constructing bridges, and organizing townships under such restrictions and limitations as shall be prescribed by law.

## ARTICLE XI.

SECTION 1. There shall be elected annually, on the first Monday of April, in each organized township, one supervisor. one township clerk, who shall be *ex officio* school inspector, one commissioner of highways, one township treasurer, one school inspector, not exceeding four constables, and one overseer of highways for each highway district, whose powers and duties shall be prescribed by law.

SEC. 2. Each organized township shall be a body corporate, with such powers and duties as shall be prescribed by law. All suits and proceedings by or against a township shall be in the name thereof.

## ARTICLE XII.

SECTION 1. The House of Representatives shall have the sole power of impeaching civil officers for corrupt conduct in office, or for crimes or misdemeanors; but a majority of the members elected shall be necessary to direct an impeachment.

SEC. 2. Every impeachment shall be tried by the Senate. When the governor or lieutenant-governor is tried, the chief justice of the Supreme Court shall preside. When an impeachment is directed, the Senate shall take an oath or affirmation truly and impartially to try and determine the same according to the evidence. No person shall be convicted without the concurrence of two thirds of the members elected. Judgment in case of impeachment shall not extend further than removal from office, but the party convicted shall be liable to punishment according to law.

SEC. 3. When an impeachment is directed, the House of Representatives shall elect from their own body three members, whose duty it shall be to prosecute such impeachment. No impeachment shall be tried until the final adjournment of the Legislature, when the Senate shall proceed to try the same.

SEC. 4. No judicial officer shall exercise his office after an impeachment is directed, until he is acquitted.

SEC. 5. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an officer, until he shall be acquitted, or until after the election and qualification of a successor.

SEC. 6. For reasonable cause, which shall not be sufficient ground for the impeachment of a judge, the governor shall remove him on a concurrent resolution of two thirds of the members elected to each house of the Legislature, but the cause for which such removal is required shall be stated at length in such resolution.

SEC. 7. The Legislature shall provide by law for the removal of any officer elected by a county, township, or school district, in such manner and for such cause as to them shall seem just and proper.

[1] SEC. 8. The governor shall have power, and it shall be his duty, except at such time as the Legislature may be in session,

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[1] As amended by Joint Resolution No. 15, 1861, p. 588. Ratified, election of 1862.

to examine into the condition and administration of any public office, and the acts of any public officer, elective or appointed, to remove from office for gross neglect of duty, or for corrupt conduct in office, or any other misfeasance or malfeasance therein, either of the following State officers, to wit: The attorney-general, State treasurer, commissioner of the land office, secretary of state, auditor general, superintendent of public instruction, or members of the State board of education, or any other officer of the State, except legislative and judicial, elective or appointed, and to appoint a successor for the remainder of their respective unexpired term of office, and report the cause of such removal to the Legislature at its next session.

## ARTICLE XIII.

SECTION 1. The superintendent of public instruction shall have the general supervision of public instruction, and his duties shall be prescribed by law.

SEC. 2. The proceeds from the sales of all lands that have been or hereafter may be granted by the United States to the State for educational purposes, and the proceeds of all lands or other property given by individuals, or appropriated by the State for like purposes, shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant, or appropriation.

SEC. 3. All lands, the title of which shall fail from a defect of heirs, shall escheat to the State, and the interest on the clear proceeds from the sales thereof shall be appropriated exclusively to the support of primary schools.

SEC. 4. The Legislature shall, within five years from the adoption of this Constitution, provide for and establish a system of primary schools, whereby a school shall be kept without charge for tuition, at least three months in each year, in every school district in the State; and all instruction in said schools shall be conducted in the English language.

SEC. 5. A school shall be maintained in each school district at least three months in each year. Any school district neglecting to maintain such school shall be deprived for the ensuing year of its proportion of the income of the primary school fund, and all funds arising from taxes for the support of schools.

[1] SEC. 6. There shall be elected in the year eighteen hundred and sixty-three, at the time of the election of a justice of the Supreme Court, eight regents of the University, two of whom shall hold their office for two years, two for four years, two for six years, and two for eight years. They shall enter upon the duties of their office on the first of January next succeeding their election. At every regular election of a justice of the Supreme Court thereafter there shall be elected two regents, whose term of office shall be eight years. When a vacancy shall occur in the office of regent, it shall be filled by appointment of the governor. The regents thus elected shall constitute the board of regents of the University of Michigan.

SEC. 7. The regents of the University, and their successors in office shall continue to constitute the body corporate known by the name and title of "The Regents of the University of Michigan."

SEC. 8. The regents of the University shall, at their first annual meeting, or as soon thereafter as may be, elect a president of the University, who shall be *ex officio* a member of their board, with the privilege of speaking, but not of voting. He shall preside at the meetings of the regents, and be the principal executive officer of the University. The board of regents shall have the general supervision of the University, and the direction and control of all expenditures from the University interest fund.

SEC. 9. There shall be elected at the general election in the year one thousand eight hundred and fifty-two, three members of a State board of education, one for two years, one for four years, and one for six years; and at each succeeding biennial election there shall be elected one member of such board, who shall hold his office for six years. The superintendent of public instruction shall be *ex officio* a member and secretary of such board. The board shall have the general supervision of the State Normal School, and their duties shall be prescribed by law.

SEC. 10. Institutions for the benefit of those inhabitants who are deaf, dumb, blind, or insane, shall always be fostered and supported.

SEC. 11. The Legislature shall encourage the promotion of intellectual, scientific, and agricultural improvement, and shall, as soon as practicable, provide for the establishment of an Agri-

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[1] As amended by Joint Resolution No. 17, Laws of 1861, p. 589. Ratified, election of 1862.

cultural School. The Legislature may appropriate the twenty-two sections of salt spring lands now unappropriated, or the money arising from the sale of the same, where such lands have been already sold, and any land which may hereafter be granted or appropriated for such purpose, for the support and maintenance of such school, and may make the same a branch of the University, for instruction in agriculture and the natural sciences connected therewith, and place the same under the supervision of the regents of the University.

[1]SEC. 12. The Legislature shall also provide for the establishment of at least one library in each township and city; and all fines assessed and collected in the several counties and townships for any breach of the penal laws shall be exclusively applied to the support of such libraries, unless otherwise ordered by the township board of any township, or the board of education of any city: *Provided*, That in no case shall such fines be used for other than library or school purposes.

## ARTICLE XIV.

SECTION 1. All specific State taxes, except those received from the mining companies of the Upper Peninsula, shall be applied in paying the interest upon the primary school, University, and other educational funds, and the interest and principal of the State debt in the order herein recited, until the extinguishment of the State debt, other than the amount due to educational funds, when such specific taxes shall be added to and constitute a part of the primary school interest fund. The Legislature shall provide for an annual tax, sufficient with other resources to pay the estimated expenses of the State government, the interest of the State debt, and such deficiency as may occur in the resources.

SEC. 2. The Legislature shall provide by law a sinking fund of at least twenty thousand dollars a year, to commence in eighteen hundred and fifty-two, with compound interest at the rate of six per cent per annum, and an annual increase of at least five per cent, to be applied solely to the payment and extinguishment of the principal of the State debt, other than the amounts due to educational funds, and shall be continued until the extinguishment thereof. The unfunded debt shall not be funded or re

[1] As amended by Joint Resolution No. 25, 1879, p. 3[illegible]
tion of 1881.

deemed at a value exceeding that established by law in one thousand eight hundred and forty-eight.

SEC. 3. The State may contract debts to meet deficits in revenue. Such debts shall not in the aggregate at any one time exceed fifty thousand dollars. The money so raised shall be applied to the purposes for which they were obtained, or to the payment of the debts so contracted.

SEC. 4. The State may contract debts to repel invasion, suppress insurrection, or defend the State in time of war. The money arising from the contracting of such debts shall be applied to the purposes for which it was raised, or to repay such debts.

SEC. 5. No money shall be paid out of the treasury, except in pursuance of appropriations made by law.

SEC. 6. The credit of the State shall not be granted to, or in aid of, any person, association, or corporation.

SEC. 7. No scrip, certificate, or other evidence of State indebtedness shall be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized in this Constitution.

SEC. 8. The State shall not subscribe to, or be interested in, the stock of any company, association, or corporation.

SEC. 9. The State shall not be a party to, or interested in, any work of internal improvement, nor engaged in carrying on any such work, except in the expenditure of the grants to the State of land or other property.

SEC. 10. The State may continue to collect all specific taxes accruing to the treasury under existing laws. The Legislature may provide for the collection of specific taxes from banking, railroad, plank road, and other corporations hereafter created.

SEC. 11. The Legislature shall provide a uniform rule of taxation, except on property paying specific taxes, and taxes shall be levied on such property as shall be prescribed by law.

SEC. 12. All assessments hereafter authorized shall be on property at its cash value.

SEC. 13. The Legislature shall provide for an equalization by a State Board, in the year one thousand eight hundred and fifty-one, and every fifth year thereafter, of assessments on all taxable property, except that paying specific taxes.

SEC. 14. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

## ARTICLE XV.

[1] SECTION 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes. All laws passed pursuant to this section may be amended, altered, or repealed. But the Legislature may, by a vote of two thirds of the members elected to each house, create a single bank, with branches.

[1] SEC. 2. No general banking law shall have effect until the same shall, after its passage, be submitted to a vote of the electors of the State, at a general election, and be approved by a majority of the votes cast thereon at such election.

[2] SEC. 3. The officers and stockholders of every corporation or association for banking purposes, issuing bank notes or paper credits, to circulate as money, shall be individually liable for all debts contracted during the term of their being officers or stockholders of such corporation or association, equally and ratably to the extent of their respective shares of stock in any such corporation or association.

[1] SEC. 4. For all banks organized under general laws, the Legislature shall provide for the registry of all bills or notes issued or put into circulation as money, and shall require security to the full amount of notes and bills so registered, in State or United States stocks, bearing interest, which shall be deposited with the State treasurer for the redemption of such bills or notes, in specie.

SEC. 5. In case of the insolvency of any bank or banking association, the bill-holders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

SEC. 6. The Legislature shall pass no law authorizing or sanctioning the supension of specie payments by any person, association, or corporation.

SEC. 7. The stockholders of all corporations and joint stock associations shall be individually liable for all labor performed for such corporation or association.

SEC. 8. The Legislature shall pass no law alte
ing any act of incorporation heretofore grant
assent of two thirds of the members elected to

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[1] As amended by Joint Resolution No. 17, 1861
1862.

[2] As amended by Joint Resolution
1860.

shall any such act be renewed or extended. This restriction shall not apply to municipal corporations.

SEC. 9. The property of no person shall be taken by any corporation for public use, without compensation being first made or secured in such manner as may be prescribed by law.

[1] SEC. 10. No corporation except for municipal purposes, or for the construction of railroads, plank roads, and canals, shall be created for a longer time than thirty years; but the Legislature may provide by general laws applicable to any corporation, for one or more extensions of the term of such corporation while such term is running, not exceeding thirty years for each extension, on the consent of not less than a two-thirds majority of the capital of the corporation; and by like general laws for the corporate re-organization for a further period, not exceeding thirty years, of such corporation whose terms have expired by limitation, on the consent of not less than four fifths of the capital: *Provided*, That in cases of corporations where there is no capital stock, the Legislature may provide the manner in which such corporations may be re-organized.

SEC. 11. The term "corporation," as used in the preceding sections of this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations, not possessed by individuals or partnerships. All corporations shall have the right to sue, and be subject to be sued in all courts, in like cases as natural persons.

SEC. 12. No corporation shall hold any real estate hereafter acquired, for a longer period than ten years, except such real estate as shall be actually occupied by such corporation in the exercise of its franchises.

SEC. 13. The Legislature shall provide for the incorporation and organization of cities and villages, and shall restrict their powers of taxation, borrowing money, contracting debts, and loaning their credit.

SEC. 14. Judicial officers of cities and villages shall be elected, and all other officers shall be elected or appointed, at such time and in such manner as the Legislature may direct.

SEC. 15. Private property shall not be taken for public improvements in cities and villages without the consent of the owner, unless the compensation therefor shall first be determined

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[1] As amended by Joint Resolution No. 3, Public Acts, 1889. Ratified at election, April 1, 1889.

by a jury of free-holders, and actually paid or secured in the manner prescribed by law.

SEC. 16. Previous notice of any application for an alteration of the charter of any corporation shall be given in such manner as may be prescribed by law.

## ARTICLE XVI.

SECTION. 1. The personal property of every resident of this State, to consist of such property only as shall be designated by law, shall be exempted to the amount of not less than five hundred dollars, from sale on execution or other final process of any court, issued for the collection of any debt contracted after the adoption of this Constitution.

SEC. 2. Every homestead of not exceeding forty acres of land, and the dwelling house thereon, and the appurtenances to be selected by the owner thereof, and not included in any town plat, city or village; or instead thereof, at the option of the owner; any lot in any city, village, or recorded town plat, or such parts of lots as shall be equal thereto, and the dwelling house thereon, and its appurtenances, owned and occupied by any resident of the State, not exceeding in value fifteen hundred dollars, shall be exempt from forced sale on execution or any other final process from a court, for any debt contracted after the adoption of this Constitution. Such exemption shall not extend to any mortgage thereon, lawfully obtained; but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

SEC. 3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of his debts contracted after the adoption of this Constitution, in all cases during the minority of his children.

SEC. 4. If the owner of a homestead die, leaving a widow but no children, the same shall be exempt, and the rents and profits thereof shall accrue to her benefit during the time of her widowhood, unless she be the owner of a homestead in her own right.

SEC. 5. The real and personal estate of every female, acquired before marriage, and all property to which she may afterward become entitled by gift, grant, inheritance, or devise, shall be and remain the estate and property of such female, and shall not be liable for the debts, obligations, or engagements her husband; and may be devised or bequeathed by her as if were unmarried.

## ARTICLE XVII.

[1] SECTION 1. The militia shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are exempted by the laws of the United States or of this State; but all such citizens of any religious denomination whatever, who, from scruples of conscience, may be averse to carrying arms, shall be excused therefrom, upon such conditions as shall be prescribed by law.

SEC. 2. The Legislature shall provide by law for organizing, equipping and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the laws of the United States.

SEC. 3. Officers of the militia shall be elected or appointed, and be commissioned in such manner as may be provided by law.

## ARTICLE XVII.

SECTION 1. Members of the Legislature, and all officers, executive and judicial, except such officers as may by law be exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this State, and that I will faithfully discharge the duties of the office of ——— according to the best of my ability." And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

[2] SEC. 2. When private property is taken for the use or benefit of the public, the necessity for using such property and the just compensation to be made therefor, except when to be made by the State, shall be ascertained by a jury of twelve freeholders, residing in the vicinity of such property, or by not less than three commissioners, appointed by a court of record, as shall be prescribed by law: *Provided*, the foregoing provision shall in no case be construed to apply to the action of commissioners of highways in the official discharge of their duty as highway commissioners.

SEC. 3. No mechanical trade shall hereafter be taught to

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[1] As amended by Joint Resolution No. 42, 1869, p. 425. Ratified, election of 1870.

[2] As amended by Joint Resolution No. 14, 1859, p. 1102. Ratified, election of 1860.

convicts in the State prison of this State, except the manufacture of those articles of which the chief supply for home consumption is imported from other States or countries.

SEC. 4. No navigable stream in the State shall be either bridged or dammed without authority from the board of supervisors of the proper county, under the provisions of law. No such law shall prejudice the right of individuals to the free navigation of such streams, or preclude the State from the further improvement of the navigation of such streams.

SEC. 5. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws at every regular session of the Legislature.

SEC. 6. The laws, public records, and the written, judicial and legislative proceedings of the State shall be conducted, promulgated, and preserved in the English language.

SEC. 7. Every person has a right to bear arms for the defense of himself and the State.

SEC. 8. The military shall in all cases, and at all times, be in strict subordination to the civil power.

SEC. 9. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant; nor in time of war except in a manner prescribed by law.

SEC. 10. The people have the right peacefully to assemble together, to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

SEC. 11. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

SEC. 12. No lease or grant hereafter, of agricultural land, for a longer period than twelve years, reserving any rent or service of any kind shall be valid.

SEC. 13. Aliens who are, or who may hereafter become, *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native-born citizens.

SEC. 14. The property of no person shall be taken for public use without just compensation therefor. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity for the road and the amount of all damages to be sustained by the opening thereof shall be first determined by a jury of freeholders; and such amount, together with the expenses

of proceedings, shall be paid by the person or persons to be benefited.

SEC. 15. No general revision of the laws shall hereafter be made. When a reprint thereof becomes necessary, the Legislature in joint convention, shall appoint a suitable person to collect together such acts and parts of acts as are in force, and, without alteration, arrange them under appropriate heads and titles. The law so arranged shall be submitted to two commissioners, appointed by the governor, for examination, and if certified by them to be a correct compilation of all general laws in force, shall be printed in such manner as shall be prescribed by law.

## ARTICLE XIX.

[1] SECTION 1. The counties of Mackinac, Chippewa, Delta, Marquette, Schoolcraft, Houghton, and Ontonagon, and the islands and territory thereunto attached, the islands of Lakes Superior, Huron, and Michigan, and in Green Bay and the Straits of Mackinac and the River Ste. Marie, shall constitute a separate judicial district, and be entitled to a district judge and district attorney.

[2] SEC. 2. The district judge shall be elected by the electors of such district, and shall perform the same duties and possess the same powers as a circuit judge in his circuit, and shall hold his office for the same period.

[3] SEC. 3. The district attorney shall be elected every two years by the electors of the district, shall perform the duties of prosecuting attorney throughout the entire district, and may issue warrants for the arrest of offenders in cases of felony, to be proceeded with as shall be prescribed by law.

SEC. 4. Such judicial district shall be entitled at all times to at least one senator, and until entitled to more by its population, it shall have three members of the House of Representatives, to be apportioned among the several counties by the Legislature.

SEC. 5. The Legislature may provide for the payment of the district judge a salary not exceeding one thousand dollars a year, and of the district attorney not exceeding seven hundred dollars a year; and may allow extra compensation to the members of the

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[1] See act 150, Laws 1863, p. 281.

[2] See act 150, Laws 1863, p. 281. See schedule, Sec. 26.

[3] See act 191, Laws 1865, p. 320.

Legislature from such territory, not exceeding two dollars a day during any session.

[1]SEC. 6. The elections for all district or county officers, State senators, or representatives, within the boundaries defined in this article shall take place on the Tuesday succeeding the first Monday of November in the respective years in which they may be required; the county canvass shall be held on the first Monday thereafter, and the district canvass on the third Monday of said November.

SEC. 7. One half of the taxes paid into the treasury from mining corporations in the Upper Peninsula, paying an annual State tax of one per cent, shall be paid to the treasurers of the counties from which it is received, to be applied for township and county purposes, as provided by law. The Legislature shall have power, after the year one thousand eight hundred and fifty-five, to reduce the amount to be refunded.

SEC. 8. The Legislature may change the location of the State prison from Jackson to the Upper Peninsula.

SEC. 9. The charters of the several mining corporations may be modified by the Legislature in regard to the term limited for subscribing stock, and in relation to the quantity of land which a corporation shall hold; but the capital shall not be increased, nor the time for the existence of charters extended. No such corporation shall be permitted to purchase or hold any real estate, except such as shall be necessary for the exercise of its corporate franchises.

## ARTICLE XIX.—A.[2]

SECTION 1. The Legislature may, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on different railroads in this State, and shall prohibit running contracts between such railroad companies whereby discrimination is made in favor of either of such companies as against other companies owning connecting or intersecting lines of railroad.

SEC. 2. No railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any con-

[1]As amended by Joint Resolution No. 17, 1861, p. 589. Ratified, election 1862.

[2]Submitted by Joint Resolution No. 1, 1870, p. 13. Adopted, election of 1870.

solidation take place except upon public notice given of at least sixty days to all stockholders, in such manner as shall be provided by law.

## ARTICLE XX.

[1] SECTION 1. Any amendment or amendments to this constitution may be proposed in the Senate or House of Representatives. If the same shall be agreed to by two thirds of the members elected to each house, such amendment or amendments shall be entered on the journal respectively, with the yeas and nays taken thereon; and the same shall be submitted to the electors at the next spring or autumn election thereafter, as the Legislature shall direct; and if a majority of electors qualified to vote for members of the Legislature, voting thereon, shall ratify and approve such amendment or amendments, the same shall become part of the Constitution.

[2] SEC. 2. At the general election to be held in the year one thousand eight hundred and sixty-six, and in each sixteenth year thereafter, and also at such other times as the Legislature may by law provide, the question of the general revision of the Constitution shall be submitted to the electors qualified to vote for members of the Legislature; and in case a majority of the electors so qualified, voting at such election, shall decide in favor of a convention for such purpose, the Legislature, at the next session, shall provide by law for the election of such delegates to such convention. All the amendments shall take effect at the commencement of the year after their adoption.

## SCHEDULE.

That no inconvenience may arise from the changes in the Constitution of this State, and in order to carry the same into complete operation, it is hereby declared, that —

SECTION 1. The common law and the statute laws now in force, not repugnant to this Constitution, shall remain in force until they expire by their own limitations or are altered or repealed by the Legislature.

SEC. 2. All writs, actions, causes of action, prosecutions, and rights of individuals and bodies corporate, and of the State, and all charters of incorporation, shall continue; and all indict-

[1] As amended by Joint Resolution No. 29, 1875, p. 310. Ratified, election of 1876.

[2] As amended by Joint Resolution No. 17, 1861, p. 589. Ratified, election of 1862.

ments which shall have been found, or which may hereafter be found, for any crime or offense committed before the adoption of this Constitution, may be proceeded upon as if no change had taken place. The several courts, except as herein otherwise provided, shall continue with the like powers and jurisdiction, both at law and in equity, as if this Constitution had not been adopted, and until the organization of the judicial department under this Constitution.

SEC. 3. That all fines, penalties, forfeitures, and escheats accruing to the State of Michigan under the present Constitution and laws, shall accrue to the use of the State under this Constitution.

SEC. 4. That all recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to the people of the State of Michigan, to any State, county, or township, or any public officer or public body, or which may be entered into or executed under existing laws, "to the people of the State of Michigan" to any such officer or public body, before the complete organization of the departments of government under this Constitution, shall remain binding and valid; and rights and liabilities upon the same shall continue, and may be prosecuted as provided by law. And all crimes and misdemeanors and penal actions shall be tried, punished, and prosecuted as though no change had taken place, unless otherwise provided by law.

SEC. 5. A governor and lieutenant-governor shall be chosen under the existing Constitution and laws, to serve after the expiration of the term of the present incumbent.

SEC. 6. All officers, civil and military, now holding any office or appointment, shall continue to hold their respective offices, unless removed by competent authority, until superseded under the laws now in force, or under this Constitution.

SEC. 7. The members of the Senate and House of Representatives of the Legislature of one thousand eight hundred and fifty-one shall continue in office under the provisions of law, until superseded by their successors, elected and qualified under this Constitution.

SEC. 8. All county officers, unless removed by competent authority, shall continue to hold their respective offices until the first day of January, in the year one thousand eight hundred and fifty-three. The laws now in force as to the election, qualification, and duties of township officers shall continue in force until

the Legislature shall, in conformity to the provisions of this Constitution, provide for the holding of elections to fill such offices, and prescribe the duties of such officers respectively.

SEC. 9. On the first day of January, in the year one thousand eight hundred and fifty-two, the terms of office of the judges of the Supreme Court under existing laws, and of the judges of the county courts, and of the clerks of the Supreme Court, shall expire on the said day.

SEC. 10. On the first day of January, in the year one thousand eight hundred and fifty-two, the jurisdiction of all suits and proceedings then pending in the present Supreme Court, shall become vested in the Supreme Court established by this Constitution, and shall be finally adjudicated by the court where the same may be pending. The jurisdiction of all suits and proceedings at law and equity, then pending in the circuit courts and county courts for the several counties shall become vested in the circuit courts of the said counties and district court for the Upper Peninsula.

SEC. 11. The probate courts, the courts of justices of the peace, and the police courts, authorized by an act entitled "An act to establish a police court in the city of Detroit," approved April second, one thousand eight hundred and fifty, shall continue to exercise the jurisdiction and powers now conferred upon them respectively, until otherwise provided by law.

SEC. 12. The office of State printer shall be vested in the present incumbent until the expiration of the term for which he was elected under the law then in force; and all the provisions of the said law relating to his duties, rights, privileges, and compensation, shall remain unimpaired and inviolate until the expiration of his said term of office.

SEC. 13. It shall be the duty of the Legislature, at their first session, to adapt the present laws to the provisions of this Constitution, as far as may be.

SEC. 14. The attorney-general of the State is required to prepare and report to the Legislature, at the commencement of the next session, such changes and modifications in existing laws as may be deemed necessary to adapt the same to this Constitution, and as may be best calculated to carry into effect its provisions, and he shall receive no additional compensation therefor.

SEC. 15. Any territory attached to any county for judicial purposes, if not otherwise represented, shall be considered as forming part of such county, so far as regards elections, for the purpose of representation.

SEC. 16. This Constitution shall be submitted to the people for their adoption or rejection, at the general election to be held on the first Tuesday of November, one thousand eight hundred and fifty; and there shall also be submitted for adoption or rejection at the same time, the separate resolution in relation to the elective franchise: and it shall be the duty of the secretary of state, and all other officers required to give or publish any notice in regard to the said general election, to give notice as provided by law in case of an election of governor, that this constitution has been duly submitted to the electors at said election. Every newspaper within this State publishing in the month of September next, this Constitution as submitted, shall receive as compensation therefor the sum of twenty-five dollars, to be paid as the Legislature shall direct.

SEC. 17. Any person entitled to vote for members of the Legislature, by the Constitution and laws now in force, shall at the said election, be entitled to vote for the adoption or rejection of this Constitution, and for or against the resolution separately submitted, at the places and in the manner provided by law for the election of members of the Legislature.

SEC. 18. At the said general election, a ballot box shall be kept by the several boards of inspectors thereof, for receiving the votes cast for or against the adoption of this Constitution; and on the ballots shall be written or printed, or partly written and partly printed, the words, "Adoption of the Constitution — Yes," or "Adoption of the Constitution — No."

SEC. 19. The canvass of the votes cast for the adoption or rejection of this Constitution, and the provisions in relation to the elective franchise separately submitted, and the returns thereof, shall be made by the proper canvassing officers, in the same manner as now provided by law for the canvass and return of the votes cast at an election for governor, as near as may be, and the return thereof shall be directed to the secretary of state. On the sixteenth day of December next, or within five days thereafter, the auditor-general, State treasurer, and secretary of state shall meet at the capitol, and proceed, in presence of the governor, to examine and canvass the returns of the said votes, and proclamation shall forthwith be made by the governor of the result thereof. If it shall appear that a majority of the votes cast upon the question have thereon "Adoption of the Constitution — Yes," this Constitution shall be the supreme law of the State from and after the first day of January, one thousand eight

hundred and fifty-one, except as herein otherwise provided; but if a majority of the votes cast upon the question have thereon "Adoption of the Constitution — No," the same shall be null and void. And in case of the adoption of this Constitution, said officers shall immediately, or as soon thereafter as practicable, proceed to open the statements of votes returned from the several counties for judges of the Supreme Court and State officers under the act entitled "An act to amend the Revised Statutes, and to provide for the election of certain officers by the people, in pursuance to an amendment of the Constitution," approved February sixteenth, one thousand eight hundred and fifty, and shall ascertain, determine, and certify the results of the election for said officers under said acts, in the same manner, as near as may be, as is now provided by law in regard to the election of representatives in congress. And the several judges and officers so ascertained to have been elected, may be qualified and enter upon the duties of their respective offices on the first Monday of January next, or as soon thereafter as practicable.

SEC. 20. The salaries or compensation of all persons holding office under the present Constitution shall continue to be the same as now provided by law, until superseded by their successors elected or appointed under this Constitution; and it shall not be lawful hereafter for the Legislature to increase or diminish the compensation of any officer during the term for which he is elected or appointed.

SEC. 21. The Legislature at its first session shall provide for the payment of all expenditures of the convention to revise the Constitution and of the publication of the same, as is provided in this article.

SEC. 22. Every county except Mackinaw and Chippewa, entitled to a representative in the Legislature at the time of the adoption of the Constitution shall continue to be so entitled under this Constitution; and the county of Saginaw, with the territory that may be attached, shall be entitled to one representative; the county of Tuscola, and the territory that may be attached, one representative; the county of Sanilac, and the territory that may be attached, one representative; the counties of Midland and Arenac, with the territory that may be attached, one representative; the county of Montcalm, with the territory that may be attached thereto, one representative; and the counties of Newaygo and Oceana, with the territory that may be attached thereto, one representative. Each county having a

ratio of representation and a fraction over equal to a moiety of said ratio, shall be entitled to two representatives, and so on above that number, giving one additional member for each additional ratio.

SEC. 23. The cases pending and undisposed of in the late court of chancery at the time of the adoption of this Constitution, shall continue to be heard and determined by the judges of the Supreme Court. But the Legislature shall, at its session in one thousand eight hundred and fifty-one, provide by law for the transfer of said causes that may remain undisposed of on the first day of January one thousand eight hundred and fifty-two, to the Supreme or circuit court established by this Constitution, or require that the same may be heard and determined by the circuit judges.

SEC. 24. The term of office of the governor and lieutenant governor shall commence on the first day of January next after their election.

SEC. 25. The territory described in the article entitled "Upper Peninsula," shall be attached to and constitute a part of the third circuit, for the election of a regent of the University.

SEC. 26. The Legislature shall have authority, after the expiration of the term of office of the district judge first elected for the, "Upper Peninsula," to abolish said office of district judge and district attorney, or either of them.

SEC. 27. The Legislature shall, at its session of one thousand eight hundred and fifty-one, apportion the representatives among the several counties and districts, and divide the State into Senate districts, pursuant to the provisions of this Constitution.

SEC. 28. The terms of office of all State and county officers, of the circuit judges, members of the board of education, and members of the Legislature, shall begin on the first day of January next succeeding their election.

SEC. 29. The State, exclusive of the Upper Peninsula, shall be divided into eight judicial circuits, and the counties of Monroe, Lenawee, and Hillsdale shall constitute the first circuit; the counties of Branch, St. Joseph, Cass, and Berrien shall constitute the second circuit; the county of Wayne shall constitute the third circuit; the counties of Washtenaw, Jackson, and Ingham shall constitute the fourth circuit; the counties of Calhoun, Kalamazoo, Allegan, Eaton, and Van Buren shall constitute the fifth circuit; the counties of St. Clair, Macomb, Oakland, and

Sanilac shall constitute the sixth circuit: the counties of Lapeer, Genesee, Saginaw, Shiawassee, Livingston, Tuscola, and Midland shall constitute the seventh circuit; and the counties of Barry, Kent, Ottawa, Ionia, Clinton, and Montcalm shall constitute the eighth circuit.

Done in convention at the capital of the State, this fifteenth day of August, in the year of our Lord one thousand eight hundred and fifty, and of the independence of the United States the seventy-fifth.

D. GOODWIN, *President.*

JOHN SWEGLES, JR.,
HORACE S. ROBERTS,
CHARLES HASCALL,
*Secretaries.*

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